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U. S. DEPARTMENT OF AGRICULTURE

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18701-18725

[Approved by the Secretary of Agriculture, Washington, D. C., April 21, 1932]

18701. Misbranding and alleged adulteration of canned grapefruit juice.
U. S. v. 150 Cases, et al., of Grapefruit Juice. Consent decree of
condemnation and forfeiture. Product released under bond.
 (F. & D. No. 26509. I. S. Nos. 22812, 22813. S. No. 4811.)

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the cans contained less than the volume declared on the labels, also that portions of the article contained undeclared added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On June 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cases each containing 24 cans, and 115 cases each containing 48 cans of grapefruit juice, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Nassau Packing Co., from Jacksonville, Fla., on or about May 6, 1931, and had been transported from the State of Florida into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

A portion of the article was labeled in part: (Can) "Florida Chief Pure [The word "Pure" was omitted on certain of the cans of this lot.] Grapefruit Juice Contents 1 Pt. 2 Fl. Oz. Packed by the Grapefruit Packing Co. S. S. Goffin, Jacksonville, Florida." The remainder of the said article was labeled in part: (Can) "Florida Chief Brand Slightly sweetened [On some cans the word "Pure" appeared in place of "Slightly sweetened."] Grapefruit Juice Contents 10 Ozs. packed by the Grapefruit Packing Company S. S. Goffin, Jacksonville, Florida."

It was alleged in the libel that the article was adulterated in that added sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, on the can labels, "Contents 10 Ozs." and "Contents 1 Pt. 2 Fl. Oz.," were false and misleading and deceived and misled the purchaser when applied to an article which was short volume. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. It was also alleged in the libel that the article, with the exception of the cans bearing the words, "Slightly sweetened," was further misbranded in that the statements, "Grapefruit Juice" and "Pure Grapefruit Juice," on the labels, were false and misleading, and deceived and misled the purchaser; and for the further reason that it was offered for sale under the distinctive name of another article, to wit, grapefruit juice, which it purported solely to be.

On June 29, 1931, Hamilton & Rausher, San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be made to conform to the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18702. Adulteration and alleged misbranding of butter. U. S. v. 6 Cases, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 26763. I. S. Nos. 22159, 22160, 22161, 22162. S. No. 4757.)

Samples taken from various lots of butter which had been delivered to the pier at Seattle, Wash., for shipment to Alaska having been found to be deficient in milk fat and short of the declared weight; the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On May 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 12 cases and 19 pounds of butter, alleging that the Centralia Dairy Co. delivered the article on May 21, 1931, for shipment in interstate commerce from Centralia, Wash., to Alaska, in part consigned to Ketchikan, Alaska, and in part consigned to Juneau, Alaska, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part variously: (Cartons) "Sunset Gold Creamery Butter * * * One Pound Net;" "Medo-Maid Butter One Pound Net Weight. Medo-Maid Butter is made and guaranteed by Centralia Dairy Co., Centralia, Wash." Portions of the Medo-Maid butter consisted of prints labeled "Net Weight Four Ounces."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat, it was labeled "One Pound Net," "One Pound Net Weight," or "Net Weight Four Ounces," as the case might be, which statements were false and misleading, since the packages contained less than the declared quantity. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated on the packages was not correct.

On June 22, 1931, the Centralia Dairy Co., Centralia, Wash., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering that it be condemned and forfeited, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the filing of cash bonds totaling \$200, conditioned in part that it be brought into conformity with the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18703. Alleged adulteration of spaghetti and macaroni. U. S. v. 9 Cases of Spaghetti, et al. Cases dismissed at cost of the Government. (F. & D. Nos. 26153, 26154. I. S. Nos. 6797, 6798, 6799. S. Nos. 4464, 4465.)

Examination of samples of spaghetti and macaroni from the shipments herein described having shown that the articles contained undeclared artificial color, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Alabama.

On April 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 9 cases of spaghetti and 34 cases of macaroni at Mobile, Ala., alleging that the articles had been shipped by J. Cusimano & Co., from New Orleans, La., in part on or about October 1, 1930, and in part on or about January 14, 1931, and had been transported from the State of Louisiana into the State of Alabama, and charging adulteration in violation of the food and drugs act. The articles were labeled in part: "Patriot Brand-Spaghetti [or "Macaroni"] Mfd. by J. Cusimano, New Orleans, La., Yellow Spaghetti [or "Macaroni"]."

It was alleged in the libels that the articles were adulterated in that they were colored in a manner whereby inferiority was concealed.

On July 16, 1931, the cases having come on to be heard on motion of Taylor Lowenstein & Co., Mobile, Ala., claimant, and the court having found that the articles were intended for and were plainly marked for export, that the coloring matter had been added in accordance with the instructions of the foreign purchaser, that none of the goods were sold or offered for sale for domestic con-

sumption, and that there was no law of the country to which the goods were to be exported prohibiting the addition of coloring matter, it was ordered by the court that the cases be dismissed at the costs of the United States.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18704. Adulteration and misbranding of butter. U. S. v. 35 Boxes, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 26748 to 26752, incl. I. S. Nos. 29911, 29912, 30755, 30759, 30768, 30769. S. Nos. 4766, 4767, 4785, 4791, 4813.)

Samples of tub, print, and country-roll butter from the several shipments herein described were found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress. Portions of the print butter were also found to be short of the declared weight.

On May 28, June 2, June 6, and June 11, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 139½ cartons or boxes, each containing 30 pounds of print butter, 2 boxes, each containing 32 pounds of country-roll butter, and 61 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Sugar Creek Creamery Co., alleging that the article had been shipped in part from Pana, Ill., and in part from Danville, Ill., in various consignments, on or about May 23, May 25, May 29, and June 4, 1931, and had been transported from the State of Illinois into the State of Pennsylvania, and charging that the article was adulterated and that a portion of the print butter was also misbranded, in violation of the food and drugs act as amended. The cartons containing a portion of the print butter were labeled in part: "Golden Grain Creamery Butter, One Pound, * * * Made by Golden Grain Butter Co., Cape Girardeau, Mo." The cartons containing the remainder of the print butter were labeled in part: "Sugar Creek Butter, Full Weight One Pound. * * * Sugar Creek Creamery Co. * * * Danville, Ill." The country-roll butter was labeled in part: "Sugar Creek Creamery Co., Danville, Illinois."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat.

Misbranding was alleged with respect to a portion of the Golden Grain print butter and the Sugar Creek print butter for the reason that the packages containing the article bore the following statements, regarding the said article and the ingredients and substances contained therein, which were false and misleading: "Golden Grain Creamery Butter One Pound Pasteurized Pure and Wholesome," and "Sugar Creek Butter, Full Weight One Pound, Real Cream Butter, Churned from Wholesome Pure Pasteurized Cream Sugar Creek Creamery Co., Danville, Ill." Misbranding was alleged with respect to the said portion of the Golden Grain print butter and the Sugar Creek print butter for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 19, 1931, the Sugar Creek Creamery Co., Danville, Ill., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$4,000, conditioned that it should not be sold or disposed of contrary to law and that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18705. Adulteration of canned cherries. U. S. v. 143 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26200. I. S. No. 16148. S. No. 4534.)

Samples of canned cherries from the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On April 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 143 cases of canned cherries, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Paulus Bros. Packing Co., from Salem, Oreg., on or about January 5, 1931, and

had been transported from the State of Oregon into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Paulus Bros. Packing Co., Salem, Oregon, U. S. A. White Tag Pitted Royal Anne Cherries Packed in Water."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On July 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18706. Adulteration of canned shrimp. U. S. v. 500 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond. (F. & D. No. 26441. I. S. No. 11147. S. No. 4728.)

Samples of canned shrimp from the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On May 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 500 cases of canned shrimp, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Louisiana Oyster & Fish Co., from Berwick, La., on or about November 7, 1930, and had been transported from the State of Louisiana into the State of Oregon, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On June 9, 1931, the General Grocery Co., Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it should not be sold or disposed of contrary to law, and that it be reconditioned in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18707. Adulteration and misbranding of butter. U. S. v. 2 Cases, et al., of Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 26757. I. S. Nos. 25564, 25565. S. No. 4859.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, and portions of the article having been found short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On June 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three cases, containing 83 pounds of butter, at Kansas City, Kans., alleging that the article had been shipped by Hickman Bros., Kansas City, Mo., in part on or about June 11, 1931, and in part on or about June 13, 1931, and had been transported from the State of Missouri into the State of Kansas, and charging that the article was adulterated, and that a portion was also misbranded in violation of the food and drugs act as amended. The article was labeled in part: "Dairy Clover Brand Creamery Butter One Pound Net."

It was alleged in the libel that the article was adulterated in that it contained less than 80 per cent of butterfat.

Misbranding was alleged with respect to a portion of the article for the reason that the statement, "One Pound Net Weight," appearing on the label, was false and misleading and deceived and misled the purchaser, since the said packages contained less than 1 pound net weight.

On June 25, 1931, the Mound City Creamery Co., Mound City, Mo., having entered an appearance as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$100, conditioned that it be destroyed under the supervision of this department and that claimant pay costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18708. Misbranding of dried buttermilk. U. S. v. 400 Bags of Dried Buttermilk. Consent decree of condemnation entered. Product ordered released to be labeled. (F. & D. No. 26755. I. S. No. 23803. S. No. 4714.)

Examination of dried buttermilk from the interstate shipment herein described having shown that the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, i. e., the bags containing the article, the matter was reported to the United States attorney for the District of Kansas by an official of the State of Kansas, commissioned by the Secretary of Agriculture.

One or about April 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 bags of dried buttermilk, remaining in the original unbroken packages at Topeka, Kans., alleging that the article had been shipped by the Consolidated Products Co., Chicago, Ill., from Sioux City, Iowa, on or about February 6, 1931, and had been transported from the State of Iowa into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the bags bore no mark, brand, or label of any kind showing the net weight of the contents.

On June 3, 1931, the Consolidated Products Co., Chicago, Ill., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant to be labeled to show the quantity of the contents, and that claimant pay costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18709. Misbranding and alleged adulteration of canned grapefruit juice. U. S. v. 24½ Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26366. I. S. No. 12446. S. No. 4692.)

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the cans contained less than the volume declared on the label, also that the article contained added sugar sirup, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On May 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24½ cases of canned grapefruit juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Holly Hill Fruit Products (Inc.), Davenport, Fla., on or about March 13, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Holly Hill Florida Grapefruit Juice Contents 8 Fluid Oz."

It was alleged in the libel that the article was adulterated in that a substance, grapefruit juice with added sugar sirup, has been substituted for the said article.

Misbranding was alleged for the reason that the statements on the label, "Grapefruit Juice" and "Contents 8 Fluid Oz.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated was incorrect.

On June 15, 1931, the Kelley-Clarke Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, or the deposit of cash collateral in like amount, conditioned that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18710. Misbranding of Za-Rex fruit sirups. U. S. v. 1.428 Cases of Za-Rex Fruit Sirups. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26408. I. S. Nos. 20137, 20138, 20139, 20140, 20146. S. No. 4691.)

Samples of Za-Rex fruit sirups from the shipments herein described having been found to be short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,428 cases of Za-Rex fruit sirups, of assorted flavors, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped by the Za-Rex Co. (Inc.), on or about November 20, 1930 (portions of the articles were shipped on or about April 20, August 4, and August 19, 1930), and had been transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Bottle) "Za-Rex Contents One Pint Chocolate [or "Raspberry," "Pineapple," "Strawberry," "Lemon and Lime," "Punch," "Lemon," or "Orange"] * * * The Ra-Rex Company, Inc. Boston, Mass;" (case) "Pint Jugs."

It was alleged in the libel that the article was misbranded in that the statement, to wit, "Pint Jugs," borne on the cases, and the statement, to wit, "Contents One Pint," borne on the bottles, were false and misleading and deceived and misled the purchaser, since the said bottles contained less than 1 pint of the articles. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 23, 1931, the Zarex Co. (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that the bottles be refilled to the declared volume.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18711. Adulteration and misbranding of Za-Rex fruit sirups. U. S. v. 40 Cases of Za-Rex Cherry Fruit Juice Syrup, et al. Consent decree of condemnation and forfeiture. Product released under bond. F. & D. No. 26349. I. S. Nos. 16239 to 16243, incl. S. No. 4659.)

Examination of sample bottles of the variously flavored fruit sirups herein described showed that the bottles contained less than the volume declared on the label; that the cherry sirup contained an added artificial flavor, namely, benzaldehyde; and that the grape sirup was colored with a coal-tar dye and not a vegetable color, as labeled.

On or about May 13, 1931, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 259 cases, each containing six glass jugs of Za-Rex fruit juice sirups of assorted flavors, at Washington, D. C., alleging that the articles were being sold and offered for sale in the District of Columbia by the Cappel Co. (Inc.), Washington, D. C., and that they were misbranded in violation of the food and drugs act as amended, and that the cherry sirup was also adulterated. The articles were labeled in part: (Jug) "Za-Rex Raspberry ["Cherry," "Strawberry," "Punch," or "Grape"] * * * Manufactured and Guaranteed by The Za-Rex Company, Inc., Boston, Mass." With the exception of the punch the articles were further labeled: "A Pure Fruit Juice Flavored Syrup." The declaration "Certified Color" appeared on all labels with the exception of the label of the grape, on which the statement "Vegetable Color" appeared.

Adulteration was alleged in the libel with respect to the cherry sirup for the reason that artificial flavor had been substituted in part for a cherry fruit juice flavored sirup, which the article purported to be, and for the further reason that the article was mixed with artificial flavor in a manner whereby its inferiority was concealed.

Misbranding was alleged with respect to all products for the reason that the statement, "Contents 1 pint," on the jug label, was false and misleading and

deceived and misled the purchaser when applied to articles which were short of the declared volume; and for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct. Misbranding was alleged with respect to the cherry and grape sirups for the further reason that the statement, "Cherry A Pure Fruit Juice Flavored Syrup," was false and misleading and deceived and misled the purchaser when applied to an artificially flavored product; and in that the statement, "Vegetable Color," on the labeling of the grape sirup, was false and misleading, and deceived and misled the purchaser when applied to an article colored with a coal-tar dye.

On June 5, 1931, the Za-Rex Co. (Inc.), Boston, Mass., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a good and sufficient bond conditioned in part that they should not be disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18712. Adulteration and misbranding of canned shrimp. U. S. v. 250 Dozen Cans of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26465. I. S. No. 30701. S. No. 4761.)

Examination of samples of canned shrimp from the shipment herein described having shown that the article was decomposed and that the cans contained less than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On June 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 250 dozen cans of shrimp, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Louisiana Oyster & Fish Co., Berwick, La., alleging that the article had been shipped from New Orleans, La., on or about October 9, 1930, and had been transported from the State of Louisiana into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Deep C Brand Shrimp Louisiana Oyster and Fish Co., Inc., Berwick, La. Wet Pack Contents 5½ oz."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement on the label, "Wet Pack Contents 5½ oz.," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, the statement made being incorrect.

On June 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18713. Adulteration of canned pumpkin. U. S. v. 30 Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26413. I. S. No. 29790. S. No. 4741.)

Samples of canned pumpkin from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On May 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cases of canned pumpkin, remaining in the original unbroken packages at Chester, Pa., consigned by Wm. Laning & Son Co., Bridgeton, N. J., alleging that the article had been shipped from Bridgeton, N. J., in part on or about November 26, 1930, and in part on or about February 4, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Silver Lake Brand Fancy Pumpkin * * * Packed by Wm. Laning & Son Co., Bridgeton, * * * N. J."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 25, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18714. Misbranding and alleged adulteration of canned grapefruit juice. U. S. v. 249 Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26415. I. S. No. 22261. S. No. 4731.)

Samples of canned grapefruit juice from the shipment herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On May 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 249 cases of canned grapefruit juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Florida Gold Citrus Corporation, from Winter Haven, Fla., on or about April 2, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Happy Home Brand Grapefruit Juice Highest Quality Schwabacher Brothers & Co., Inc., Seattle, Wash., Distributors."

It was alleged in the libel that the article was adulterated in that sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Grapefruit Juice," appearing on the label, was false and misleading and deceived and misled the purchaser when applied to grapefruit juice containing added sugar. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 20, 1931, Schwabacher Bros. & Co. (Inc.), Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18715. Adulteration of herring. U. S. v. 200 Pounds of Herring. Default decree of destruction. (F. & D. No. 26800. I. S. No. 25774. S. No. 4958.)

Samples of herring from the shipment herein described having been found to be filthy and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On July 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 pounds of herring at Cincinnati, Ohio, alleging that the article had been shipped by the Booth Fisheries Co., Duluth, Minn., on or about July 16, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained triaenophori, and consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of a portion of an animal unfit for food.

On August 4, 1931, no claimant having appeared for the property, judgment was entered nunc pro tunc as of July 22, 1931, ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18716. Adulteration and misbranding of butter. U. S. v. 37 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26437. I. S. No. 29347. S. No. 4639.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress,

the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 37 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Swift & Co., Kansas City, Mo., on or about May 20, 1929, to Buffalo, N. Y., and had been transported thereafter from Buffalo, N. Y., to New York, N. Y., on March 24, 1931, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it was labeled butter, which was false and misleading and deceived and misled the purchaser.

On June 18, 1931, Collyer & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel, consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18717. Misbranding of citrus fruit juices. U. S. v. 100 Cases of Citrus Fruit Juices. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26484. I. S. No. 22274. S. No. 4782.)

Examination of samples of canned citrus fruit juices from the shipment herein described having shown that the cans contained less than the volume declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On June 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases, each containing 48 cans of citrus fruit juices, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Florida Fruit Cannery (Inc.), from Tampa, Fla., on or about April 17, 1931, and had been transported from the State of Florida into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Pom-orange Brand * * * Blended Citrus Fruit Juices Contents 8 Fluid Oz. Florida Fruit Cannery Inc. Division of L. Maxcy Inc. Frostproof, Florida."

It was alleged in the libel that the article was misbranded in that the statement "Contents 8 Fluid Oz.," appearing on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement represented that the volume of the article was more than in fact was contained in the said cans.

On June 27, 1931, the Florida Fruit Cannery (Inc.), Division of L. Maxcy (Inc.), Frostproof, Fla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, or the deposit of cash in like amount, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18718. Adulteration and misbranding of canned grapefruit juice. U. S. v. 50 Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26468. I. S. No. 22810. S. No. 4758.)

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the article contained undeclared added sugar and

that the statement of the quantity of contents appearing on the label was made in terms of weight instead of liquid measure, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On June 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 cases of canned grapefruit juice, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Polk Co., from Haines City, Fla., on or about April 2, 1931, and had been transported from the State of Florida into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended * * * The article was labeled in part: "Commonwealth Brand Florida Grapefruit Juice * * * Contents 8 Oz. or 227 Grams Distributed by the Commonwealth Packing Co., San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that added sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the can label, "Grapefruit Juice," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, grapefruit juice; and for the further reason that it was food in package form and failed to bear a plain and conspicuous statement on the outside of the package of the quantity of the contents, since the statement was made in terms of weight instead of liquid measure.

On June 24, 1931, the Public Food Stores (Inc.), San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18719. Adulteration of butter. U. S. v. 8 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25046. I. S. No. 162. S. No. 3311.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On July 24, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight cubes of butter, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the Bandon Cheese & Produce Co., from Marshfield, Oreg., on or about July 15, 1930, and had been transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bandon Creamery #4 Bandon, Oregon."

It was alleged in the libel that the article was adulterated in that a substance deficient in milk fat had had been substituted wholly or in part for the said article.

On July 31, 1930, the Bandon Creamery, Bandon, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$185, conditioned in part that it be made to conform to the provisions of the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18720. Adulteration and misbranding of olive oil. U. S. v. 56 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 26449. I. S. No. 30706. S. No. 4745.)

Examination of samples of olive oil from the shipment herein described having shown that the article contained cottonseed oil, and that the cans contained less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On May 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 56 cans of olive oil, remaining in the original unbroken packages at Harrisburg, Pa., alleging that the article had been shipped by L. Giacovelli, from Cortland, N. Y., on or about May 13, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Olio Puro d'Olivo Lucca Italy Net Contents Full Gallon."

It was alleged in the libel that the article was adulterated in that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted partly for the said article.

Misbranding was alleged for the reason that the statements on the label, "Olio Puro d'Olivo Lucca Italy Net Contents Full Gallon," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reasons that the article was falsely branded as to the country in which it was produced; it purported to be a foreign product when not so; it was offered for sale under the distinctive name of another article; and it was in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated was not correct.

On June 25, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be labeled "cottonseed oil," and sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18721. Misbranding and alleged adulteration of canned grapefruit juice. U. S. v. 40 Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26501. I. S. No. 22286. S. No. 4810.)

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the article contained undeclared added sugar, also that the cans contained less than the quantity of contents declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On June 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 cases of canned grapefruit juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the West Coast Fruit Co., Clearwater, Fla., from Tampa, Fla., on or about April 2, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Dixie Dainty Brand Florida Hand Peeled Grapefruit Juice Contents 11 Oz. Pure Grapefruit Juice * * * West Coast Fruit Co., Packers, Clearwater, Florida."

It was alleged in the libel that the article was adulterated in that an undeclared added substance, to wit, sugar, had been substituted partly for the said article.

Misbranding was alleged for the reason that the statements on the label, "Grapefruit Juice," "Contents 11 Oz.," and "Pure Grapefruit Juice," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was not correct.

On June 29, 1931, the Kelley-Clarke Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, or the deposit of cash in like amount, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18722. Adulteration of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 26737. I. S. No. 4645. S. No. 4792.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On June 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the H. C. Christians Co., Chicago, Ill., on or about May 25, 1931, and had been transported from the State of Illinois into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

On June 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product passed by this department as fit for human consumption be delivered by the United States marshal to a charitable institution, and that any unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18723. Adulteration of butter. U. S. v. 31 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26741. I. S. No. 4647. S. No. 4803.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On June 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 31 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Calida Creamery Co., Cozad, Nebr., on or about May 26, 1931, and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as provided by the act of March 4, 1923.

William L. Shellhorn, New York, N. Y., agent for C. C. Bruce, Cozad, Nebr., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On June 11, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18724. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26736. I. S. No. 4643. S. No. 4786.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On June 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Northwest Dairy Forwarding Co., Duluth, Minn., acting for the Exeland Cooperative Creamery Association, Exeland, Wis., on or about May 20, 1931, and had been

transported in interstate commerce into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

Thomas G. Corcoran, agent for Hunter, Walton & Co., New York, N. Y., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On June 5, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18725. Misbranding of maple sirup. U. S. v. 30 Cartons of Maple Sirup. Consent order entered providing for release of product under bond to be relabeled. (F. & D. No. 26452. I. S. No. 28359. S. No. 4739.)

Sample cans of maple sirup from the shipments herein described having been found to contain less than the declared quantity of contents, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On May 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cartons of maple sirup, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Rigney & Co., from Brooklyn, N. Y., in part on or about October 7, and in part on or about October 11, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "6-10-lb. Cans;" (can) "DeLuxe Brand G. S. D. Vermont Pure Maple Syrup Net Weight 10 Lbs. Distributed by George S. Daugherty Co., New York, Pittsburgh, Chicago."

It was alleged in the libel that the article was misbranded in that the statements on the shipping carton, "10 lb.," and on the cans, "Net Weight 10 Lbs.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

The George S. Daugherty Co., Pittsburgh, Pa., entered an appearance as claimant for the property and filed an answer admitting the allegations of the libel and consenting to the entry of a decree of condemnation and forfeiture. On July 28, 1931, judgment of the court was entered nunc pro tunc as of June 25, 1931, ordering that the product be released to the claimant for the purpose of relabeling under the supervision of this department, upon the execution of a bond in the sum of \$250, and it was further ordered by the court that claimant pay costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18726-18750

[Approved by the Secretary of Agriculture, Washington, D. C., April 21, 1932]

18726. Adulteration and misbranding of tincture aconite. U. S. v. Eight 4-Ounce Bottles, et al., of Tincture Aconite. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 26417. I. S. Nos. 5685, 5687. S. No. 4735.)

Samples of tincture aconite, labeled as conforming to the requirements of the United States Pharmacopoeia, were found to fall below the pharmacopoeial requirements. The article was contained in 4-ounce and 1-pint bottles, the samples of the former being found to possess about one-fourth the potency and the latter about three-eighths the potency of that required by the pharmacopoeia.

On May 27, 1931, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of eight 4-ounce bottles and five 1-pint bottles of the said tincture aconite, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Sharp & Dohme, Philadelphia, Pa., alleging that the article had been shipped from Philadelphia, Pa., in part on February 24, 1931, and in part on May 2, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tincture Aconite U. S. P. X. Standard."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard of strength was not stated on the container. Adulteration was alleged for the further reason that the strength of the said article fell below the professed standard or quality under which it was sold, namely, "Tincture Aconite U. S. P. X. Standard."

Misbranding was alleged for the reason that the statements on the label, "Tincture Aconite U. S. P. X. Standard (Tinctura Aconiti) * * * Biologically standardized," were false and misleading.

On August 24, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18727. Misbranding of Spasmodine. U. S. v. 21 Bottles of Spasmodine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26353. I. S. No. 26347. S. No. 4675.)

The labeling of the drug product Spasmodine bore statements representing that the article possessed curative and therapeutic properties in certain children's ailments, and that it was perfectly safe and would not disorder the baby's stomach. Examination showed that it would not produce the curative and therapeutic effects claimed, that it was not perfectly safe, and might disorder the baby's stomach.

On May 15, 1931, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 bottles of Spasmoline, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the Spasmoline Co., McComb, Ohio, on or about September 12, 1930, and had been transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Spasmoline by this department showed that it consisted essentially of castor oil (28 per cent by volume), extracts of plant drugs including ipecac, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the statements in the circular, "It is perfectly safe at all times," and "In no case will it disorder the baby's stomach," were false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Spasmoline for the Relief of Coughs, Whooping Cough, Spasmodic Croup, * * * Directions. * * * If the child is not completely relieved in fifteen minutes, repeat the dose. For Cough, Whooping Cough * * * repeating in two or three hours, as the case demands. Spasmoline * * * Spasmoline Co.;" (carton) "Spasmoline * * * Instant Relief Acknowledged To Be The Best Remedy Ever Produced For Croup, Cough, Whooping Cough and all Affections of the Throat & Lungs * * * The Spasmoline Co. * * * Directions * * * in some obstinate cases it is necessary to repeat the dose * * * For croupy, wheezing, coughing children, * * * Given in the evening will prevent croup in the night. As a Child's Cough Medicine, Spasmoline Has No Equal. In cases of violent cough and whooping cough, use as the case may require. When a child is relieved of the croup, * * * Spasmoline will relieve Cold and prevent Pneumonia * * * Spasmoline * * * possessing great curative properties for all affections of the throat and lungs. * * * The rational treatment for Croup consists in administering a remedy, that will restore the child to a normal condition without debilitating the system by the use of strong emetics. Spasmoline is a reliable agent for this purpose. * * * it does not dispose the bowels to subsequent costiveness;" (small circular) "Spasmoline An effective remedy for Croup, Coughs, Whooping Cough, Etc.;" (large circular) "One Dose Relieves Croup * * * Spasmoline * * * The rational treatment for Croup consists in administering a remedy that will restore the Child to a normal condition without debilitating the system by the use of strong emetics. Spasmoline is a reliable agent for this purpose. * * * Spasmoline * * * possessing great curative properties for affections of the Throat. * * * Croup comes in the night and strikes its deadly blow before medical aid can be secured. Armed with a bottle of Spasmoline, you can drive this deadly enemy from your home and save your precious Child's life. For Cough, Whooping Cough, * * * Spasmoline has no superior."

On September 5, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18728. Misbranding of Nau's Dyspeptic Relief. U. S. v. 2 Dozen Packages of Nau's Dyspeptic Relief. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26256. I. S. No. 22068. S. No. 4575.)

Examination of a drug product, known as Nau's Dyspeptic Relief, showed that the article was a combination treatment consisting of a liquid and tablets, and that the bottle label, the outer carton, and the carton containing the tablets bore statements representing that the article possessed curative and therapeutic properties which it did not possess.

On April 20, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel, and on May 27, 1931, an amended libel, praying seizure and condemnation of two dozen packages of the said Nau's Dyspeptic Relief, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been

shipped by Frank Nau, from Portland, Oreg., on or about October 16, 1930, and had been transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Nau's Dyspeptic Relief by this department showed that the article consisted of a liquid containing extracts of plant drugs including licorice and golden seal, glycerin, alcohol, and water; and tablets containing bismuth subnitrate, ginger, peppermint oil, and sugar.

It was alleged in the libel as amended that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Outside carton) "Dyspeptic Relief * * * For Relief in Stomach Trouble. * * * Intended For The Relief of Dyspepsia, Indigestion, Waterbrash, Dilatation, and Catarrh of the Stomach. * * * Stomach Disorders * * * Distress after Eating, Returning of Food into Mouth, Gnawing at Pit of Stomach, Coated Tongue, Headache, Dizziness;" (bottle) "Dyspeptic Relief * * * For Stomach Troubles. * * * Intended for the Relief of Dyspepsia, Indigestion, Waterbrash, Dilatation, and Catarrh of the Stomach;" (carton containing tablets) "Dyspeptic Relief Tablets. To be Taken in Conjunction with the Liquid Medicine to Assist in Relief of Stomach Troubles, Dyspepsia, Indigestion, Dilatation, and Catarrh of the Stomach * * * Remedy."

On September 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18729. Misbranding of Teethina. U. S. v. 28 Dozen Boxes of Teethina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26881. I. S. No. 29244. S. No. 5070.)

Examination of a drug product, known as Teethina, having shown that the labeling contained statements representing that the article possessed curative and therapeutic properties, which in fact it did not possess, also that the product could not be considered safe and harmless as represented in the labeling, the Secretary of Agriculture reported to the United States attorney for the Eastern District of New York the interstate shipments herein described, involving a quantity of the article located at Brooklyn, N. Y.

On August 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 dozen boxes of Teethina, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the C. J. Moffett Medicine Co., from Columbus, Ga., in part on or about June 4, 1931, and in part on or about June 29, 1931, and had been transported from the State of Georgia into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Teethina by this department showed that it consisted essentially of bismuth subnitrate, calcium carbonate, sodium citrate, calomel, and sugar, flavored with ground cinnamon.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and misleading: "It is * * * harmless. * * * 'Teethina' * * * is guaranteed to contain no harmful drugs of any description—it is so safe and harmless, * * * that mothers may use it freely with their babies from infancy until they get in their teens." It was alleged in substance in the libel that the article was further misbranded in that it contained no ingredient or combination of ingredients capable of producing the effects claimed, and that the said claims were applied to the article knowingly or in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers and create in the minds of such purchasers the impression and belief that the article was, in whole or in part, composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof. The curative or therapeutic claims appearing in the labeling of the product which were quoted in the libel, were as follows: (Box) "Teething Powders Teethina * * * Directions * * * Diarrhea—Children under 2 yrs. 1 powder every 4 hrs. until bowels are checked, * * * If child is over 2 yrs. give 1 powder every 3 hrs. until same result is obtained. Cholera Morbus—One powder every 2 hours until vomiting and purging cease or child becomes

quiet. Colic—Infants and children subject to frequent attacks, one powder two or three times a week, until the tendency to this painful trouble is overcome. When children are Fretting, Tossing and Wakeful at night from Worms or other irritations, give a powder every few nights until child rests quietly;" (circular) "For Diarrhea. Children under two (2) years of age, one (1) powder should be given every four hours until the bowels are checked, * * * If the child is over two (2) years old, give one (1) powder every three hours until the same result is obtained. For Cholera Morbus. Give one powder every two (2) hours, until the vomiting and purging ceases or the child becomes quiet and rests. For Colic. To infants and children subject to frequent attacks of Colic, give a powder two or three times a week, until the tendency to this painful trouble has been overcome. Worms and Other Irritations. When children are fretting, tossing and wakeful at night from a tendency to Worms or other irritations, give a powder every few nights until child rests quietly. Mother's baby is mother's prize possession, and she wants to be assured that whatever she gives baby will not only bring relief, * * *"

On September 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18730. Misbranding of Teethina. U. S. v. 23½ Dozen Packages of Teethina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26901. I. S. No. 35832. S. No. 5082.)

Examination of a drug product, known as Teethina, having shown that the labeling contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, also that the product could not be considered safe and harmless, as represented in the labeling, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Louisiana the interstate shipment herein described, involving a quantity of the product located at New Orleans, La.

On or about August 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23½ dozen packages of Teethina, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the C. J. Moffett Medicine Co., Columbus, Ga., on or about June 30, 1931, and had been transported from the State of Georgia into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Teethina by this department showed that it consisted essentially of bismuth subnitrate, calcium carbonate, sodium citrate, calomel, and sugar, flavored with ground cinnamon.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and misleading: "It is * * * harmless. * * * 'Teethina,' * * * is guaranteed to contain no harmful drugs of any description—it is so safe and harmless, * * * that mothers may use it freely with their babies from infancy until they get in their teens." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, appearing on the box label and on the accompanying display carton and in the circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Display carton) "Teethina. Soothing Relief for Teething Babies * * * Safe soothing relief for teething babies and young children;" (box) "Teething Powders. Teethina * * * Directions * * * Diarrhea—Children under 2 yrs. 1 powder every 4 hrs. until bowels are checked, * * * If child is over 2 yrs. give 1 powder every 3 hrs. until same result is obtained. Cholera Morbus—One powder every 2 hours until vomiting and purging ceases or child becomes quiet. Colic—Infants and children subject to frequent attacks, one powder two or three times a week, until the tendency to this painful trouble is overcome. When children are Fretting, Tossing and Wakeful at night from Worms or other irritations, give a powder every few nights until child rests quietly;" (circular) "For Diarrhea. Children under two (2) years of age one (1) powder should be given every four hours until the bowels are checked, * * * If the child is over two (2) years old, give one (1) powder every three hours until the same result is obtained. For Cholera Morbus. Give one

powder every two (2) hours, until the vomiting and purging ceases or the child becomes quiet and rests. For Colic. To infants and children subject to frequent attacks of Colic, give a powder two or three times a week, until the tendency to this painful trouble has been overcome. Worms and Other Irritations. When children are fretting, tossing and wakeful at night from a tendency to Worms or other irritations, give a powder every few nights until the child rests quietly. Mother's baby is mother's prize possession, and she wants to be assured that whatever she gives baby will not only bring relief * * *."

On September 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18731. Misbranding of Breeden's rheumatic compound. U. S. v. 5 5-6 Dozen Bottles of Breeden's Rheumatic Compound, Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26337. I. S. No. 27544. S. No. 4421.)

Examination of a drug product, known as Breeden's rheumatic compound, from the shipment herein described having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On May 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five and five-sixths dozen bottles of Breeden's rheumatic compound, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Breeden Drug Co. (Inc.), from Memphis, Tenn., on or about October 25, 1930, and had been transported from the State of Tennessee into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Breeden's rheumatic compound by this department showed that it consisted essentially of potassium iodide (1.3 grams per 100 milliliters), extracts of plant drugs, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Rheumatic Compound for Rheumatism;" (circular) "Rheumatic Compound. We recommend it for Rheumatism. If you have Rheumatism use * * * Rheumatic Compound. This medicine has been tested for years, and the praise which it has received from the trade, and the good results of its use by sufferers from the disease of Rheumatism, cause us, the manufacturers, to unhesitatingly recommend it. We believe we have made it as perfect a preparation for the relief of Rheumatism as it is possible for us to do;" (bottle) "Rheumatic Compound * * * Rheumatism * * * Direction: * * * until it acts freely on the Liver, then reduce dose to suit the system if according to directions it acts too freely."

On June 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18732. Misbranding of Pyorkil. U. S. v. 45 Bottles of Pyorkil. Default decree of condemnation and destruction. (F. & D. Nos. 25303, 25304. S. No. 3570.)

Examination of a drug product, known as Pyorkil, from the shipment herein described having shown that the bottle label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of West Virginia.

On November 7, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 bottles of Pyorkil at Huntington, W. Va., alleging that the article had been shipped by the Pyorkil Co., from Catlettsburg, Ky., on or about October 22, 1930, and had been transported from the State of Kentucky into

the State of West Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Pyorkil by this department showed that it consisted essentially of small portions of potassium permanganate and sodium chloride dissolved in water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and in the circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Pyorkil. A Guaranteed Remedy for Treatment of Pyorrhea;" (circular) "Pyorrhea Conquered. Pyorrhea Alveolaris, commonly called Riggs' disease, * * * Many of the chronic diseases of the body are caused by this disease—rheumatism, arthritis, diseases of the heart, kidneys, nose and throat. It is now known that many diseases of the intestinal tract, such as ulcers of the stomach and bowels, appendicitis and gall bladder troubles, are caused by pyorrhea. * * * Until the discovery of Pyorkil, pyorrhea was considered incurable. * * * Pyorkil has and is curing conditions that was never dreamed of before. People who before were advised by their dentist and physicians to have all their teeth extracted are being cured, saving their teeth and a lot of pain and expense of having all their teeth extracted, and the worry of trying to learn to wear false teeth. Teeth and gums have been observed that were in such terrible shape that no one could believe they could ever be cured, but after cleaning the teeth and applying Pyorkil a few times, one could not believe such results were possible unless they could see themselves. * * * Thousands every year are giving up perfectly sound teeth to get rid of pyorrhea, as extraction of all the teeth has, before the discovery of Pyorkil, been the only known cure for this dreaded disease. * * * Pyorkil is a safe, sane and harmless remedy. * * * It was used on cases of every conceivable kind and not one time has it failed to kill the disease completely. * * * Volumes could be written about pyorrhea and this wonderful new discovery to stamp it out, but the proof of the pudding is the eating, and if you have pyorrhea, even if you think you haven't, the best way to find out about Pyorkil is to try it out, as you can't lose. * * * However Pyorkil will dissolve tarter itself, * * * If your gums are sore and sensitive you might use two or three treatments to remove the soreness and stop bleeding of the gums * * * the results are amazing and quick. Forty-eight hours after beginning treatment your mouth feels like new and after six to ten treatments your pyorrhea is gone."

On August 10, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18733. Misbranding of Thorson's Soap Lake salts. U. S. v. 14 Dozen Packages, et al., of Thorson's Soap Lake Salts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26267. I. S. No. 11105. S. No. 4538.)

Examination of a drug product, known as Thorson's Soap Lake salts, from the shipments herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On April 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 dozen 1-pound, 1 dozen 2½-pound, and 1 dozen small packages of Thorson's Soap Lake salts, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Thorson's Soap Lake Products Co., from Soap Lake, Wash., in part on January 17, 1931, and in part on February 17, 1931, and had been transported from the State of Washington into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Thorson's Soap Lake salts by this department showed that it consisted essentially of sodium carbonate (50 per cent), sodium sulphate (25 per cent), sodium chloride (10 per cent), small proportions of other salts and moisture (13 per cent).

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Directions for internal use * * * Recommended for Stomach, Liver and Bowel Troubles, Rheumatism, Skin Diseases, and Diseases of the Blood. * * * For bath purposes in treatment of Rheumatism and Skin Diseases, in conjunction with Thorson's Effervescent Soap Lake Salts to be taken internally. * * * In treating deep-seated diseases, Soap Lake salts should be used internally, both in drinking and in the internal bath or enema. * * * For Skin Disease * * * In bad cases make * * * Let the water dry on the skin; in the sun if possible. Home Treatment for Rheumatism. Use $2\frac{1}{2}$ pounds * * * in as hot a bath as can be borne, remain immersed in the water for about half hour. * * * to be continued until relieved. In addition to the baths take $\frac{1}{2}$ teaspoonful of Thorson's Soap Lake Salts dissolved in glass of water half hour before meals. * * * For Catarrh. Nasal catarrh is not only disagreeable and offensive, but it will lead to serious trouble. Nasal Douche * * * Use often in bad cases of catarrh * * * Female Trouble * * * is also valuable used in the internal douche in treating inflammation of the female organs. * * * once or twice a day until the inflammation is reduced * * * For the sick person, this nature's own gift is the most natural, the most scientific, the most practical way of relieving the human system of toxins or poisons, whether these poisons are the result of absorption from a source of infection or degeneration, or lack of proper functioning of the organs of elimination. For the healthy person, there can be nothing better than to have the various organs toned up, and if any of the organs of elimination are below par, to have them assisted and rectified. Pure blood generates electric forces and nerve impulses, builds new tissue, flesh, bone and muscle, and generally tones up the whole system. The Potassium and Sulphates in these 'Sun Evaporated Salts' are great blood purifiers, being particularly effective in removing the causes of pimples, blotches, eczema and other unsightly skin troubles and relieve Rheumatism and Muscular Troubles. We call your attention to the percentage of Chlorides, indispensable in cases of dyspepsia, biliousness, indigestion and any disorder of the stomach and bowels; as a powerful antiseptic, it cleanses as it works; as a sweetener of a sour stomach natural Sodium Carbonate is without equal and is very valuable for eliminating uric acid; Silica absorbs poisonous gases in the stomach and bowels. Lime or Calcium is ideal for the young and growing, for the anemic and emaciated, for the nervous and run-down—as after an attack of the 'Flu.' The bath has long been looked upon as a valuable therapeutic agent, but is more so when containing Thorson's Soap Lake Salts, as the salts have a drawing, pulling effect that draws the waste fluids that are ever present under the skin, from the pores, replacing them with the elements contained in the salt, thus applying a deficiency and acting as an antiseptic. It also cuts the waste tissue from the surface of the body, leaving it pink and soft. * * * Give Health Thru the Skin."

On October 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18734. Misbranding of Jones' liniment. U. S. v. 93 Bottles of Jones' Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26066. I. S. No. 28080. S. No. 4252.)

Examination of a drug product, known as Jones' liniment, from the shipments herein described having shown that the carton and bottle labels and the circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 93 bottles of Jones' liniment, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the M. Spiegel Medicine Co., Albany, N. Y., alleging that the article had been shipped from Albany, N. Y., in part on or about March 24, 1930, and in part on or about October 7, 1930,

and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petroleum distillate such as gasoline, methyl salicylate, pine-tar oil, camphor oil, and capsicum oleoresin.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) For Rheumatic Pains, Neuralgia, Sore Throat and Quinsy, Headache (Nervous) * * * Backache * * * Lameness, Chilblains * * *. It is good for Rheumatism, Lumbago, Neuralgia, Colic and Cramps, Headache, Earache, Cold in the Chest and Lungs, * * * Gout, Sore Throat, * * * Aching Feet, Inflammation * * * A pain killer that will relieve these afflictions is an absolute necessity to everybody. It is the best safeguard against suffering from Accidents * * * If after using it a few times the pains are still lingering, apply to the affected parts a cloth wrung out in hot water and afterwards the Liniment is applied until relief is experienced;" (bottle label) For " * * * Rheumatism, Neuralgia, Headache, Backache * * * Lameness, Bunions, Chilblains, Colic And All Bodily Pains. * * * This Liniment is used for strengthening weak back or limbs, and healing bodily pains and inflammations. * * * In protracted pain a cloth moistened with the Liniment may be applied until relief is experienced;" (circular) "For Rheumatic and other pains in the joints, lower limbs or hips, apply Jones' Liniment * * * Apply a cloth saturated with the Liniment to reduce inflammation and swelling. * * * For Backache, pains in the sides, shoulders, stiff neck and joints, apply the Liniment * * * For Neuralgia in the head, keep the temples bound up with a linen cloth saturated with Jones' Liniment, and apply it to the back of the neck and ears. * * * For Nervous Headache, apply Jones' Liniment to the forehead, back of neck, behind ears, and inhale the fumes. For Sciatica * * * For Sore Throat and Quinsy * * * For Earache, * * * For * * * Swellings * * * For Pains in Chest and Lungs * * * For Bunions * * * For Corns * * * For * * * Weak Joints and Ankles * * * For Colic, Cramps, Cholera Morbus and other internal pains * * * swellings, cracked heels * * * scratches, cramps or contraction of the muscles, sore throat, colic, distemper, epizootic * * * and other diseases that can be reached by external application * * * For The Flu, Cough * * * Bronchitis * * * will * * * relieve * * * catarrhal conditions."

On October 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18735. Adulteration and misbranding of Germ-Elim. U. S. v. Thirty-six 4-Ounce Bottles, et al., of Germ-Elim. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26210. I. S. No. 24777. S. No. 4509.)

Examination of a product, known as Germ-Elim, from the herein-described shipments showed that its strength was below the professed standards of "germ eliminator" and "preventer" and contained no ingredients capable of producing certain curative and therapeutic effects as claimed on the label.

On April 8, 1931, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of thirty-six 4-ounce bottles and forty-six 10-ounce bottles of Germ-Elim, remaining in the original packages at St. Louis, Mo., alleging that the article has been shipped in interstate commerce from Belleville, Ill., into the State of Missouri, in part by the Creolina Chemical Co., on or about February 15, 1931, and in part by the Germ-Elim Co., on or about March 2, 1931, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Germ-Elim by this department showed that it consisted essentially of guaiacol (1.2 per cent), sodium hypophosphite (0.98 per

cent), sugars, and water, flavored with methyl salicylate. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, "Germ Eliminator" and "Prevents germs."

Misbranding was alleged for the reason that the statements on the label, "Germ-Elim," "Germ Eliminator," and "Prevents germs," were false and misleading. Misbranding was alleged for the further reason that the following statements on the label, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "Stop Pain or Bleeding * * * Being an anodyne it stops pain. * * * Sores, Boils * * * Skin Diseases * * * Eczema and Ulcers * * * Cuts * * * Cramps, Indigestion, Stomach or Period Cramps * * * Grippe, Catarrh, Sinus Trouble and Hay Fever * * * Sore and Bleeding Gums, Relief for Pyorrhea * * * Stops Pain, Heals Quickly * * * Teeth and Gums—To preserve * * * Germ-Elim used liberally on tooth brush instead of tooth paste * * * prevents germs, makes healthy gums. * * * Sore Throat and Tonsilitis * * * Earache * * * Repeat until relieved."

On June 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18736. Adulteration and misbranding of ether. U. S. v. 69 Quarter-Pound Cans, et al., of Ether. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26365, 26367. I. S. Nos. 8417, 8420. S. Nos. 4699, 4702.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On May 15 and May 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 69 quarter-pound cans and thirteen 1-pound cans of ether, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Merck & Co., in part from St. Louis, Mo., on or about January 31, 1931, and in part from New York, N. Y., on or about February 7, 1931, and had been transported from the States of Missouri and New York, respectively, into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Ether U. S. P." The remainder of the article was labeled in part: "Ether for Anesthesia U. S. P."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia, and its own standard was not stated on the labels.

Misbranding was alleged for the reason that the statements on the label, "Ether U. S. P." and "Ether For Anesthesia U. S. P.," as the case might be, were false and misleading.

On June 15, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18737. Misbranding of Hepatona. U. S. v. 36 Bottles of Hepatona. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26368. I. S. No. 5776. S. No. 4706.)

Examination of a drug product, known as Hepatona, from the shipment herein described having shown that the bottle label and the accompanying circular bore statements representing that the article possessed curative or therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On May 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 bottles of Hepatona, alleging that the article had been shipped by H. K. Mulford & Co., Philadelphia, Pa., on or about February 26, 1931, to San Juan, P. R., and was being sold and offered for sale in Porto Rico by

Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Hepatona by this department showed that it consisted essentially of sodium phosphate, sodium bicarbonate, potassium bitartrate, a lithium salt, citric acid and phenolphthalein.

It was alleged in the libel that the article was misbranded in that the following statements in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Hepatona * * * Hepatic Stimulant, Colagogue and Eliminator of Uric Acid"; (circular) "Hepatic Stimulant * * * it exercises a stimulative action over the hepatic cells and is efficacious even in smaller doses * * * regularizes the action of the intestines, * * * It is a smooth and efficacious hepatic stimulant. Prominent authorities consider it the best remedy for cirrhosis of the liver * * * is a powerful eliminating agent in toxic conditions * * * thus obtaining its stimulative action over the liver without the necessity of administering large doses. * * * the preferred eliminator for innumerable conditions where the clearing of the system from katabolic products and the removal of toxic materials from the blood is desired * * * It is also of great help for the treatment of disorders of the kidneys; it eliminates the toxic substances from the alimentary canal, thus relieving them from the work of expelling those toxic products. This allows the kidneys to rest and to recover their normal functions. * * * In the treatment of the diseases of the skin of any origin, the necessity of keeping the blood free from these products has been acknowledged."

On July 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18738. Misbranding of Plantlax. U. S. v. 3 Dozen Bottles, et al., of Plantlax. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26411, 26412. I. S. Nos. 11106, 11144. S. Nos. 4724, 4725.)

Examination of a sample of a drug product, known as Plantlax, from one of the shipments herein described having shown that the carton and bottle labels and an accompanying booklet contained representations that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On May 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 62 bottles of Plantlax, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Nature's Herb Co., from San Francisco, Calif., in part on or about July 20, 1929, and in part on or about June 11, 1930, and had been transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Plantlax by this department showed that it consisted essentially of powdered crude drugs and extracts of drugs including nux vomica and aloe, a trace of peppermint oil, alcohol, and water.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Liver Tonic * * * System Regulator * * * Tonic For Stomach, Liver And Bowels, Purifies the Blood, Clears the Complexion and Eliminates Waste Products from the System. Therefore excellent * * * Stomach-Disorders, Biliousness, Headaches, Dizziness, Rheumatism, Impure Blood, Eczema and other Diseases due to Self-Poisoning of the System * * * System Regulator And Blood Purifier. Directions: Take regularly once a day * * * Then reduce the doses and regulate the bowels. * * * The Most Effective Tonic for Stomach, Liver and Bowels;" (label) "Liver Tonic * * * System-Regulator and Effective Tonic for Stomach, Liver and Bowels, Purifies the Blood, and clears the complexion, eliminates Waste-Products from the System. Therefore excellent in * * * Stomach Disorders, Biliousness, Headaches, Dizziness, Rheumatism, Impure Blood, Eczema

and other Diseases due to Self-Poisoning of the System;" (booklet) "Nuggets of Health * * * Disease may manifest itself in various ways, but as a matter of fact there is undoubtedly only one cause for disease. It is the retention and assimilation of waste and poisonous matter in the digestive organs that causes self-poisoning of the system—and sickness. How Do We Get Sick? * * * A distressed feeling sets in with burning pain in the pit of the stomach, or an expansion of same by gas. These gases press against the heart and liver and interfere with their functions, which are, as we all know, of the utmost importance. Depressed feeling, fainting spells, dizziness, shortness of breath, palpitation are the results of this pressure against the heart. Pressure against the liver, the organ that cleans the blood and through its secretions regulates and lubricates the bowels, causes a slow action and incomplete evacuation of the bowels. The retained food decomposes and the products of decomposition become absorbed and gradually poison the whole system through their accumulation, which may take place in one organ after another, creating various symptoms and ills. But the starting point of all these diseases is the same, namely: self poisoning of the system through the retention of decaying waste matter in the stomach and bowels. What is the logical way of eliminating this waste, thereby keeping the entire system, stomach and bowels clean? There can be only one answer to this question: Keep Yourself Clean Inside * * * How Can We Keep Clean Inside? * * * by the use of Nature's Own Remedies, the reliable, but harmless curative herbs, barks and roots, properly selected and compounded? Such an effective compound is Plantlax, the purely vegetable compound, and that not only cleans and regulates stomach, liver and bowels, but also prevents decay by keeping them clean. With clean active bowels, the system has a chance to purify itself from absorbed and accumulated waste products, but it cannot do it with inactive and clogged up intestines. * * * It has an invigorating effect upon the stomach, helpful toward the normal action of the liver, with a toning effect upon the intestines. * * * Plantlax is indicated in all diseases arising from sluggishness and self-poisoning (auto-intoxication) of the system as in * * * Dyspepsia, Flatulence, impure blood, skin eruptions, rheumatism, sluggish liver, biliousness, headaches, catarrh * * * also in instances of high blood pressure."

On July 17, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18739. Misbranding of Cerevisine pure desiccated yeast. U. S. v. 3 Dozen Bottles of Cerevisine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26516. I. S. No. 5788. S. No. 4806.)

Examination of a product, known as Cerevisine pure desiccated yeast, having shown that the wrapper and bottle labels and an accompanying circular contained representations that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On or about July 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen bottles of Cerevisine pure desiccated yeast, alleged that the article had been shipped by E. Fougera & Co. (Inc.), New York, N. Y., to San Juan, P. R., on or about April 4, 1931, and was being sold and offered for sale in Porto Rico, by Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of desiccated yeast plants.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Wrapper and bottle) "For Treatment of Furunculosis, Boils, Acne, * * * Diabetes;" (circular) "Yeast has been known from remote times as a common remedy for boils * * * makes clear healthy complexions, removes pimples and blackheads * * * One enthusiastic ad-

vertiser recommends yeast as * * * a panacea for 'mal-nutrition' since its vitaminine contents 'complete the diet,' 'restores weaklings to robust health' and 'weak puny children become giants.' Such suggestive catch words impressed on the minds of patients make them expect that their medical attendants will recommend this 'concentrated nutrition' in some form. * * * laymen have found brewers' yeast useful in overcoming * * * also in getting rid of acne and other skin troubles, and in the treatment of furuncles or boils and even carbuncles, its value is well established. It has recently been shown to be useful in the so-called deficiency diseases of undernourished children. * * * General Indications * * * is believed to be decidedly serviceable in the internal and external treatment of infections in which the staphylococcus pyogene aureus and other pus-forming organisms are factors. * * * Gastro-intestinal catarrh and * * * Malnutrition * * * Yeast has also been recommended in Eczema, Lymphatic enlargements and even in Arthritis Deformans."

On August 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18740. Misbranding of Planten's Red Mill Genuine Imported Haarlem oil in capsules. U. S. v. 72 Cartons of Planten's Red Mill Genuine Imported Haarlem Oil in Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26512. I. S. No. 5786. S. No. 4816.)

Examination of a product, known as Planten's Red Mill Genuine Imported Haarlem oil in capsules, having shown that the carton and accompanying circular contained representations that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On or about July 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 72 cartons of Planten's Red Mill Genuine Imported Haarlem oil in capsules, alleging that the article had been shipped by the Red Mill Products Co., Brooklyn, N. Y., to San Juan, P. R., on or about July 23, 1930, and was being sold and offered for sale in Porto Rico, by Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Planten's Red Mill Genuine Imported Haarlem oil in capsules by this department showed that it consisted essentially of a saponifiable oil such as linseed oil, a volatile oil such as turpentine oil, and sulphur.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effect claimed: (Carton) "Haarlam Oil in Capsules for some Forms of Kidney, Bladder, Uric Acid Troubles * * * Dose * * * One capsule before meals * * * until entirely recovered * * * [in Spanish] For diseases of the kidneys, bladder and for combatting uric acid;" (circular) "The Capsules * * * of Haarlam Oil * * * we designate them as the household remedy for troubles of the kidneys and bladder and rheumatism. Dose: For troubles of the kidneys and bladder * * * For cases of rheumatism * * * When suffering from acute rheumatic pains, the dose should be increased * * * in the treatment of diverse troubles of the kidneys, bladder and rheumatism; it may be said that by taking them the entire organism is benefited."

On August 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18741. Misbranding of Hazard's preparation. U. S. v. 142 Bottles of Hazard's Preparation. Default decree of condemnation, and sale or destruction. (F. & D. No. 26474. I. S. No. 28366. S. No. 4719.)

Examination of the drug product Hazard's preparation having shown that the bottle label and circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess,

the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On June 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 142 bottles of Hazard's preparation, alleging that the article had been transported in interstate commerce, on or about April 24, 1931, from the C. A. Hazard Chemical Co., Youngsville, Pa., to Geneva, Ohio, by Charles A. Chaffee, that it remained in the original unbroken packages at Geneva, Ohio, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of Hazard's preparation by this department showed that it consisted essentially of borax, boric acid, salicylic acid (12 per cent), glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Eczema Preparation * * * For Eczema, Salt-Rheum, Barber's Itch, Blood Poison, * * * Erysipelas, Chilblains, * * * Ulcers * * * For tonsilitis and all throat trouble, * * * For granulated eyelids * * * sores from rusty nails, ingrown nails and sores of any nature;" (circular) "For all Skin Diseases, Eczema * * * Blood Poison, Indolent Sores, Erysipelas, Salt Rheum, Barber's Itch, Chilblains, * * * Hemorrhoids, * * * Ingrown Toe Nails, Boils, Ulcers, * * * Wounds from * * * Rusty Nails * * * For all throat and mouth diseases dilute and use as a gargle or wash. * * * [Testimonials] It is certainly worth its weight in gold for all kinds of sores * * * An excellent medicine for blood poisoning. * * * Blood Poison * * * had a bad case of blood poison on my hand, caused from opening a boil, and getting infection in it. I was advised to use 'Hazard's Preparation' and less than one bottle effected a cure. * * * Infection in Hand * * * One year ago while working in the harvest field, my father got infection in his hand. Blood poison developed. * * * I got him a bottle of 'Hazard's Preparation' and less than two bottles cured his hand. I also used it for a bad case of barber's itch. In a short time my face was well. * * * Three years ago I had a bad fever sore on my limb. * * * persuaded me to use Hazard's Preparation, * * * In a short time I was able to walk, and in four weeks the sore was healed, and it has given me no trouble since. * * * Weeping Eczema. For a number of years I had one of the worst cases of weeping eczema. My hands were raw to my wrists. * * * but got no relief till I was persuaded by a friend to try Hazard's Preparation, which gave me relief at once, and which effected a complete cure. I now advise everyone suffering from eczema and skin diseases of any nature to use Hazard's Preparation. * * * Growth on Head * * * Five years ago I had a growth on my head, which the doctors pronounced a cancerous tumor, * * * I was advised to try Hazard's Preparation, which I did, and after using one bottle, the growth disappeared and have had no trouble since. * * * I have used your preparation for cancer in my mouth and it took it out of my mouth. * * * Blood Poison * * * I used the Hazard Preparation for my son's blood poison and in twelve hours it was gone. In eight days the boy's arm was healed. * * * I have used your preparation and have saved eyes that were going blind. I use it for all kinds of sores. It heals from the bottom up. After I have taken out cancer I heal the sore with your preparation. It is wonderful for all kinds of poison * * * Is unequalled for * * * Sores of all Kinds, * * * Skin Diseases of any Nature. * * * For ulcers of the bowels * * * For Hemorrhoids."

On July 28, 1931, no claimant having appeared for the property, a decree was entered adjudging the product to be liable to condemnation and confiscation, and ordering that it be sold by the United States marshal, under such terms and conditions as would not violate the Federal food and drugs act, otherwise that it be destroyed by the said marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18742. Misbranding of Mul-So-Lax. U. S. v. 14 Bottles, et al., of Mul-So-Lax. Default decrees of condemnation and sale or destruction. (F. & D. Nos. 26443, 26444. I. S. Nos. 20753, 20754. S. No. 4717.)

Examination of a drug product, known as Mul-So-Lax, from one of the shipments herein described having shown that the bottle and carton labels and an accompanying circular contained representations that the article possessed

curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On May 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 28 bottles of the said Mul-So-Lax at Mansfield, Ohio, alleging that the article had been shipped by the Mul-So-Lax Laboratories (Inc.), from Kalamazoo, Mich., in part on or about April 20, 1930, and in part on or about April 29, 1930, and had been transported from the State of Michigan into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Mul-So-Lax by this department showed that it consisted essentially of a petroleum oil (34 per cent) and phenolphthalein (1.1 per cent) emulsified with water.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Latest Scientific Treatment * * * Chronic Appendicitis, Stomach, Bowel and Liver Troubles, Rheumatism, Piles, Colitis and Allied Disorders. It strikes at the root of the disorders above mentioned, as well as many others, by removing the primary cause—constipation, and bowel inactivity. Directions * * * The dose of Mul-So-Lax, in chronic cases is two tablespoonsful * * * until the bowels function properly:" (carton) "For * * * Chronic Appendicitis, Liver, Stomach and Bowel Troubles, Rheumatism, Colitis, Piles and Allied Disorders;" (circular) "For the Treatment of * * * Chronic Appendicitis, Stomach and Bowel Troubles, Rheumatism, Colitis, Piles and Allied Disorders * * * Appendicitis * * * The Appendix, however, is not prone to cause trouble if proper care is given to keeping the bowels in health. Thus it will be seen what great havoc must be caused among the vital organs when the bowel becomes constipated and is distended with foul, decaying matter that is giving off deadly poisons which envelop and contaminate every vital organ in our bodies. Mul-So-Lax has been proven as a positive relief for Appendicitis attacks. Putrefaction produces gas germs and poisons—which paralyze the Colon and cause Colitis, Ulceration, Hemorrhoids, Fissure, Appendicitis, Autointoxication, with headache, insomnia, loss of appetite, Rheumatism, Neuritis, premature old age and a hundred other maladies and miseries. Piles * * * The only real cure for Piles is to cure the condition of constipation which causes them. Mul-So-Lax is the dependable cure, because it removes the cause—Constipation. Gastritis * * * Whenever, and however, it may manifest itself, the cause is always produced by the excessive fermentation of foods in the stomach or intestine, or of waste material rotting in the bowel. Few people stop to consider the health value through bowel movements in passing out of the body material, which if longer retained, is sure to decompose and generate deleterious and poisonous elements. Mul-So-Lax should be used where there is faulty digestion, Gas Pains, Belching, Sour Risings, and Heartburn, as it will eliminate the gas through the bowels and other channels. Rheumatism. Rheumatism is a painful condition that may affect any part of the body, or practically every part of the body at the same time. * * * For instance in the upper leg, the condition is often called Sciatica. When these pains affect the arms or shoulders or chest, they are usually called Neuritis. In the jaw, these pains are known as Neuralgia. Near the small of the back, Lumbago. In the joints, Arthritis. In the feet, Gout. * * * There is nothing that so poisons the system as the fecal matter accumulating and being allowed to remain in the Bowels and Intestines. Mul-So-Lax expels these Rheumatic Poisons from the system and promotes normal and healthy bowel movements, thus cleansing the system of these bodily poisons. Mul-So-Lax * * * it is the 'First Aid' that removes, in its initial stages, the cause of many a serious illness. * * * Mul-So-Lax 1. Specific for Constipation. * * * Mul-So-Lax should be taken every night until the bowels function properly, and as the treatment continues the bowels will acquire their normal strength, the nerves are re-awakened and a state of Health is re-established, and can be kept so by an occasional dose of Mul-So-Lax each night on retiring."

On July 28, 1931, no claimant having appeared for the property, decrees were entered adjudging the product liable to condemnation and confiscation and

ordering that it be sold by the United States marshal, under such terms and conditions as would not violate the Federal food and drugs act, otherwise that it be destroyed by the said marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18743. Misbranding of Vin Lourdes. U. S. v. 30 Bottles of Vin Lourdes. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 26460. I. S. No. 5778. S. No. 4747.)

Examination of a drug product, known as Vin Lourdes, having shown that the carton and bottle label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On or about June 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Vin Lourdes at San Juan, P. R., alleging that the article was in possession of Serra, Garabis & Co. (Inc.), of San Juan, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Vin Lourdes by this department showed that it consisted essentially of potassium chloride (3 per cent), sodium benzoate (0.2 per cent), a small proportion of a bromide, extracts of plant drugs, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For women * * * until distress is relieved, then less frequently. As a prophylactic in painful Menstruation best results are received by administering one teaspoonful three times daily," (carton) "Valuable as a Tonic * * * in Menstrual Irregularities, Uterine and Ovarian Disturbances such as Amenorrhea (delayed menstruation) and Dysmenorrhea (painful menstruation) when no organic lesions or malformation exists. * * * For weak women of all ages, married or single;" (circular) "Uterine Sedative Tonic and Stimulant, indicated in uterine and ovarian disturbances where no organic lesions or malformations exist. Used in Amenorrhea (Delayed Menstruation), Dysmenorrhea (Painful Menstruation) and for General Debility. * * * Directions for Use: * * * One or two teaspoonfuls in hot water * * * until distress is relieved, then less frequently. As a prophylactic in painful menstruation [similar statements appear in Spanish]."

On July 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18744. Misbranding of Mag-Net-O balm. U. S. v. 63 Tubes, et al., of Mag-Net-O Balm. Default decrees of condemnation and destruction.
(F. & D. Nos. 26806, 26807. I. S. Nos. 28797, 28798. S. Nos. 4956, 4966.)

Examination of a drug product, known as Mag-Net-O balm, having shown that the labeling contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Virginia the interstate shipments herein described, involving quantities of the product located at Richmond, Va.

On July 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 211 tubes of Mag-Net-O balm, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by Magneto Balm (Inc.), Baltimore, Md., in part on or about February 4, 1931, and in part on or about February 9, 1931, and had been transported from the State of Maryland into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Mag-Net-O balm by this department showed that it consisted essentially of tar, capsicum oleoresin, and volatile oils including mustard oil, turpentine oil, and methyl salicylate, incorporated in petrolatum.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, borne on the tube and carton labels and in the circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tube) "Rheumatic Pains, Neuritis, Neuralgia, Lumbago, Arthritis, * * * Headaches, * * * Chronic Cases;" (carton) "Rheumatic Pains, Neuritis, Neuralgia, Lumbago, Arthritis, * * * Headaches," (circular) "'Draws out pain * * * like a magnet!'" * * *

This famous old European Remedy has been relieving pain for many years, and has prevented many hours of pain and suffering. * * *

In all cases of muscular pains, congestion in the chest, cold in the head, and many similar ailments, Magneto Balm offers an easy, pleasant road to prompt relief. Even stubborn, long-standing cases yield to the soothing, healing qualities of Magneto Balm, if persistently used. To Insure Results. To get prompt results, apply either a hot-water bag, electric pad, or moist, steaming cloth over the spot to be treated, for five minutes, then massage with Magneto Balm. By thus opening the pores, you help the Balm to penetrate instantly to the pain or ache. Directions. For Use in the Treatment of Rheumatism, Lumbago, Neuritis, Sciatica, Arthritis * * * rub Magneto Balm well into aching parts. Neuralgia, Gout, Magneto Balm has relieved thousands from these painful ailments. Rub well over area where pain is most acute. * * * Headache * * *

Sore Throat * * * Stiff Neck * * * Earache * * * Flu usually begins with a cold. Prompt treatment of colds with Magneto Balm may therefore ward off 'Grippe,' or 'Flu,' etc. * * *

Magneto Balm is Penetrating. It not only helps relieve pain, but at the same time helps to draw out any inflammation or swelling, should any exist. How to Recognize Your Ailment. Neuritis is rheumatism affecting the nerves of the fingers, wrists, ankles, shoulders, toes, or anywhere in the body. Neuralgia may usually be recognized by: 1. Intense pains. 2. The pain is not steady, but seems to 'come and go.' 3. Neuralgic pains sometimes jump about from one part of the body to the other. Sciatica is the name for pains along the sciatic nerve or the inner part of the legs from the thighs to the ankles. Lumbago usually begins with excruciatingly severe pains in the back, followed by almost constant backache just below the point where a belt would pass around the back of the body. When Blood Flows Freely Pain Stops Quickly. When the blood is flowing freely through your veins, you are enjoying vital, vigorous health. But when some disorder occurs, there is often a damming or congestion of the blood and trouble follows. An aching back, * * * almost any pain causes blood congestion; your blood is no longer flowing freely; poisons gather; the contested part pains, throbs and aches. To stop this pain you must start the blood flowing freely as soon as possible. How? By applying Magneto Balm. The application of this famous remedy brings almost instant relief. It helps nature by stimulating circulation; by rushing red, living blood to the suffering spot—thus relieving congestion and preventing further suffering."

On September 22, 1931, no claimant having appeared for the property, judgments of condemnation and confiscation were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18745. Misbranding of Sales Hepaticas. U. S. v. 12 Dozen Bottles of Sales Hepaticas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26822. I. S. No. 5792. S. No. 4917.)

Examination of the drug product Sales Hepaticas having shown that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On August 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 dozen bottles of the said Sales Hepaticas, alleging that the article had been shipped on or about June 12, 1931, by Yglesias & Co. (Inc.), New York, N. Y., to San Juan, P. R., that it was being sold and offered for sale in Porto Rico by the Drug Co. of Porto Rico (Inc.), San Juan, P. R., and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of Sales Hepaticas by this department showed that it consisted essentially of sodium sulphate (24 per cent), sodium bicarbonate (23

per cent), tartaric acid (28 per cent), monosodium phosphate (10 per cent), lithium citrate (0.3 per cent), and sodium chloride.

It was alleged in the libel that the article was misbranded in that the following statements appearing upon the carton and bottle labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle labels, translated from Spanish) "A. D. S. Sales Hepaticas * * * a powerful dissolvent of uric acid. Especially indicated against Rheumatism and Gout. * * * Is a preparation that tonifies * * * for the treatment of Uric Acid Diathesis, Rheumatism, Gout and Declared Lithaemia. Its use is very indicated in all these affections, as it generally produces prompt alleviation."

On September 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18746. Adulteration and misbranding of Dr. Welters tooth powder. U. S. v. 3 Dozen Packages, et al., of Dr. Welters Tooth Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 26844, 26845. I. S. Nos. 35806, 35810. S. Nos. 5022, 5023.)

The labeling of Dr. Welters tooth powder contained statements representing that the article possessed curative and therapeutic properties which examination showed it did not possess; the article was further represented to be antiseptic, whereas it was not.

On August 10, 1931, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 10 dozen packages of Doctor Welters tooth powder, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the E. A. Welters Tooth Powder Co., from Jacksonville, Fla., in part on or about May 13, 1931, and in part on or about June 13, 1931, and had been transported from the State of Florida into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Doctor Welters tooth powder by this department showed that it consisted essentially of calcium carbonate, soap, and small proportions of alum and peppermint oil. Bacteriological examination showed that the article was not antiseptic.

Adulteration of the article was alleged in the libels for the reason that its strength fell below the professed standard of "Antiseptic," under which it was sold.

Misbranding was alleged for the reason that the following statements appearing in the labeling, were false and misleading: (Carton) "Antiseptic Tooth Powder * * * This preparation is not adulterated or misbranded within the meaning of the Pure Food and Drugs Act, June 30, 1906;" (circular) "Antiseptic Tooth Powder." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the can and carton labels and in the circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claims: (Can) "Toughens Tender Gums, Helps Prevent Decay * * * to help toughen tender, bleeding gums, * * * and prevent decay;" (carton) "For Toughening Tender Bleeding Gums, Preventing Pyorrhea;" (circular) "Bleeding Gums. Danger Signal of Pyorrhea! Thousands have 'Pyorrhea' And Don't Know it! Read the contents of this leaflet and 'judge' if you are a victim of the dreaded disease 'Pyorrhea.' Dr. Welter's Antiseptic Tooth Powder Heals and Hardens Bleeding Gums. This Dentifrice is universally recognized as the most Efficacious Preparation known to dental science for Healing and Hardening Tender and Bleeding Gums. It is Unexcelled for * * * Preventing Pyorrhea. * * * The first symptoms or signs of pyorrhea are 'bleeding' and 'irritated' gums, which should be corrected immediately by consulting a dentist and using Dr. Welter's Antiseptic Tooth Powder, which is specially prepared for Healing and Hardening Bleeding Gums. * * * The enamel is to the teeth what the outer layer of skin is to the body, and when impaired, the 'micro-organism' which is commonly known as the 'Tooth germ' enters the tooth, and from this

point decay begins. Dr. Welter's Antiseptic Tooth Powder * * * Prevents Decay. * * * The 'Cause of Decay in Teeth' and How to Prevent it. * * * By removing the constant germ formation from the teeth by the use of 'Dr. Welters' Antiseptic Tooth Powder,' applied with a good tooth brush, morning noon and before retiring. * * * Do not wait until you are infected with 'Pyorrhea' before using a preventative. Start using Dr. Welters' Antiseptic Tooth Powder or Paste immediately as a 'Preventative' against the infection of this disease. It is prepared specially for Preventing Pyorrhea, Healing and Hardening Bleeding Gums, Whitening and Cleansing the teeth."

On September 10, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18747. Misbranding of Brown's bronchial troches. U. S. v. 54 7-12 Dozen Packages, et al., of Brown's Bronchial Troches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26851. I. S. No. 34126. S. No. 5032.)

Examination of a drug product, known as Brown's bronchial troches, from the shipment herein described having shown that the carton and wrapper labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On August 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54½ dozen 35-cent and 32¾ dozen 15-cent packages of Brown's bronchial troches, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by John I. Brown & Son, Boston, Mass., on or about February 28, 1931, and had been transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Brown's bronchial troches by this department showed that it consisted essentially of extracts of licorice and cubeb, sugar, starch, and a gum, such as acacia.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Bronchial * * * for the alleviation of Bronchitis, Hoarseness, Coughs, Asthma, * * * Catarrh * * * strengthening the voice. * * * For the Cough of Bronchitis, Asthma, &c.;" (wrapper) "Bronchial * * * for the alleviation of Bronchitis, Hoarseness, Coughs, Asthma, * * * Catarrh * * * For the Cough of Bronchitis, Asthma, &c.;" (circular) "Relieving throat troubles. Allay irritation of the throat induced by the coughing-spells incident to Bronchitis, Asthma, and affections of the lungs, giving grateful relief;" (circular, in French) "Bronchitis, Cough, Whooping Cough, Hoarseness, Asthma, * * * Catarrh, Grippe and other affections of the throat and lungs. * * * diseases of the throat and lungs;" (circular, in Spanish) "All kinds of Coughs, inflammations of the Throat, diseases of the bronchi of the lungs." (Similar statements in other foreign languages.)

On September 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18748. Misbranding of Alphozone. U. S. v. 11 Bottles of Alphozone. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26869. I. S. no. 5793. S. No. 4963.)

Examination of a drug product, known as Alphozone, showed that the circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess.

On August 19, 1931, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 bottles of Alphozone, alleging that the article had been

shipped on or about June 18, 1931, by Frederick Stearns & Co., from Detroit, Mich., to San Juan, P. R., that it was being offered for sale and sold in Porto Rico by the Drug Co. of Porto Rico (Inc.), San Juan, P. R., and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of Alphozone by this department showed that it consisted essentially of succinic peroxide and succinic acid.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Alphozone is indicated in all infections where a germicide can be brought in contact with the pathogenic microorganisms present. * * * Acute and Chronic ulcers, such as open sores, running boils, abscesses, ulcerous fistulas, * * * ulceration of the mouth, gastric ulcer, cancerous sores, * * * chancres, chancroids, open buboes, syphilitic sores. Abscesses, including boils, carbuncles, * * * Inflammations of mucous membranes; for example, conjunctivitis, * * * (nasal catarrh) suppurative otitis media, stomatitis, tonsillitis, quinsy, pharyngitis, gastritis, enteritis, urethritis, gonorrhea, gleet, cystitis, vaginitis, endometritis, leucorrhea. Diphtheria (to check the disease and lessen the severity of the attack), smallpox (to prevent pitting), postpartum infection. Enteric infections, as in typhoid fever, cholera, infectious diarrhea and dysentery. * * * Skin diseases of an infectious nature, favus, ringworm, scabies, eczema. * * * Alphozone may be employed for disinfecting the hands, the field of operation * * * Directions * * * In the treatment of infections of the eye, ear, nose, urethra, bladder and such other organs as are particularly sensitive, * * * In gonorrhea * * * One grain to the ounce (about 1-to-500) has been employed with good results. In the throat, mouth, vagina, uterus * * * has proved valuable in certain infectious skin diseases. Internally—In typhoid fever * * * (two grains to a half tumblerful of water). * * * Alphozone is valuable in typhoid fever in preventing or reducing tympanites (which, when persistent, is more to be dreaded than any other symptom) and thereby reducing the chance of intestinal hemorrhage and perforation. Alphozone is also beneficial in reducing or overcoming the intestinal infection. In other infections of the gastro-enteric tract Alphozone may be similarly administered, varied according to indications. [Similar statements in Spanish]."

On September 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18749. Adulteration and misbranding of Glicoioidina. U. S. v. 72 Bottles of Glicoioidina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26728. I. S. No. 5784. S. No. 4820.)

Examination of the drug product, Glicoioidina, showed that the bottle and carton labels and an accompanying circular bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess. The article contained less alcohol than declared on the bottle and carton, and was not an antiseptic and disinfectant when used in the dilution recommended in the circular.

On or about July 6, 1931, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 72 bottles of Glicoioidina at San Juan, P. R., alleging that the article was in possession of the Drug Co. of Porto Rico (Inc.), San Juan, P. R., and that it was being sold and offered for sale in Porto Rico, and that it was adulterated and misbranded in violation of the food and drugs act as amended.

Analysis of a sample of Glicoioidina by this department showed that it consisted essentially of small proportions of potassium iodide, iodine, thymol, and menthol, glycerin, alcohol (31.5 per cent by volume), and water. Bacteriological examination showed that the article was neither an antiseptic nor a disinfectant in the dilution recommended, namely, 15 or 20 drops in a glassful of water.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (in Spanish) "Alcohol 40%"

and "Antiseptic and Disinfectant * * * 15 to 20 drops in a Glassful of Water," whereas the strength of the article fell below such professed standard, in that it contained less alcohol than declared, and it was not antiseptic and disinfectant in the dilution recommended.

Misbranding was alleged for the reason that the following statements appearing in Spanish upon the bottle and carton and in the circular were false and misleading: (Bottle and carton) "Contains 40% Alcohol;" (circular) "Antiseptic and Disinfectant * * * 15 or 20 drops in a Glassful of Water. * * * Acts on the Germs That Continuously multiply themselves in the Mouth, Diminishing in this way their destructive action on the Dental Tissues." Misbranding was alleged for the further reason that the following statements appearing in Spanish on the bottle and carton label and in the circular, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For all Diseases of the Mouth * * * For Preventing Inflammations Rub The Gums Once a Week * * * Great Preventive Against Pyorrhea Alveolaris Counter-Irritant for Inflammations of the Gums;" (carton) "For all Diseases of the Mouth and Respiratory Tract * * * For Preventing Inflammations, Rub the Gums Once * * * Great Preventive Against Pyorrhea Alveolaris. Counter-Irritant for Inflammations of the Gums;" (circular) "Great Preventive against Pyorrhea Alveolaris * * * Energetic Counter-Irritant Against Pericementitis * * * Scientific Preparation Against Inflammation of the Gums * * * Prevents the Formation of Caries * * * Efficacious Against * * * and Sick Gums."

On August 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18750. Adulteration of ether. U. S. v. Ninety 1-Pound Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 26913. I. S. No. 29598. S. No. 5099.)

Samples of ether from the shipment herein described having been found to contain peroxide, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On August 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of ninety 1-pound cans of ether at Erie, Pa., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from Jersey City, N. J., on or about August 4, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in substance in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia, in that it contained peroxide, and its own standard was not stated on the label.

On September 29, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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★ MAY 24 1932

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18751-18850

[Approved by the Secretary of Agriculture, Washington, D. C., May 6, 1932]

18751. Adulteration and misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$100. (F. & D. No. 25028. I. S. Nos. 026932, 026933.)

Samples of butter from the shipments herein described having been found deficient in butterfat and short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Alabama.

On August 4, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, trading at Montgomery, Ala., alleging shipment by said company, in violation of the food and drugs act as amended, in part on or about November 25, 1929, and in part on or about December 4, 1929, from the State of Alabama into the State of Louisiana, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Belle Monte Butter * * * Full Weight One Pound."

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as required by the act of Congress of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Full Weight One Pound," borne on the cartons containing the article, was false and misleading in that the said statement represented that each of the said cartons contained 1 pound of butter; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cartons contained 1 pound of butter; whereas each of said cartons did not contain 1 pound of butter, but did contain, in each of a number thereof, less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than represented.

On August 24, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18752. Adulteration of butter. U. S. v. 30 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26764. I. S. No. 30544. S. No. 4819.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On June 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned June 3, 1931, alleging that the article had been shipped by the Sugar Creek Creamery Co., from Pana, Ill., and had been transported from the State of Illinois into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

On July 9, 1931, the Sugar Creek Creamery Co., Pana, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws; and it was further ordered by the court that the product be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18753. Adulteration of butter. U. S. v. Forty 30-Pound Cases of Butter, Quarters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27125. I. S. No. 34107. S. No. 4900.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On July 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of forty 30-pound cases of butter, quarters, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Paul A. Schulze Co., from St. Louis, Mo., June 17, 1931, into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

David W. Lewis & Co. (Inc.), agent for Paul A. Schulze Co., St. Louis, Mo., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On July 15, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$500, or the execution of a bond in like sum, conditioned in part that it be reworked and reprocessed so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18754. Adulteration of butter. U. S. v. 54 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27127. I. S. No. 33950. S. No. 4874.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On or about June 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Northwest Dairy Forwarding Co., Duluth, Minn. (acting for Cushing Creamery, Cushing, Minn.), on June 13, 1931, into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

Thomas V. Kowalski, agent for the Cushing Creamery Co., Cushing, Minn., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On June 25, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and

the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked and reprocessed so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18755. Adulteration of butter. U. S. v. 32 Tubs of Butter. Decree of condemnation and confiscation. Product released under bond. (F. & D. No. 27130. I. S. No. 36669. S. No. 5179.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On or about August 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 tubs of butter remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Carthage Creamery Co., from Carthage, Mo., on or about August 4, 1931, and had been transported from the State of Missouri into the State of Louisiana, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in milk fat had been substituted for butter, which the article purported to be; and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as prescribed by the act of Congress approved March 4, 1923, which the article purported to be.

On September 18, 1931, the Carthage Creamery Co., Carthage, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation and confiscation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of until reworked, under the supervision of this department, so that it comply with the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18756. Adulteration of butter. U. S. v. 9 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27122. I. S. No. 30856. S. No. 4923.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On July 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine cases of butter, remaining in the original unbroken packages at Lancaster, Pa., alleging that the article had been shipped by the Sugar Creek Creamery Co., from Pana, Ill., June 25, 1931, and had been transported from the State of Illinois into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Carton) "Sugar Creek Butter * * * Sugar Creek Creamery Co., Danville, Ill."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat.

On July 17, 1931, the Sugar Creek Creamery Co., Pana, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it should not be sold or otherwise disposed of contrary to the laws of the United States, or any State, Territory, district, or insular possession; and it was further ordered by the court that the product be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18757. Adulteration of butter. U. S. v. 24 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27129. I. S. Nos. 34101, 34103. S. No. 4882.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the

Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On July 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Northwest Dairy Forwarding Co., Duluth, Minn. (acting for Winter Cooperative Creamery, Winter, Wis.), on June 13, 1931, into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

Thomas G. Corcoran, agent for Hunter, Walton & Co., New York, N. Y., interposed a claim for the product and admitted the allegations of the libel, consenting to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On July 7, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked and reprocessed so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18758. Adulteration of canned salmon. U. S. v. 1,970 Cases of Salmon. Decree of condemnation entered. Product released under bond. (F. & D. No. 25235. I. S. Nos. 9085, 9086, 9087, 9088, 1083. S. No. 3533.)

Samples of canned salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 28, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,970 cases of canned salmon, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by McGovern & McGovern, from Seattle, Wash., on or about August 27, 1930, and had been transported from the State of Washington into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Sea Flyer Brand * * * Salmon [or "Sea Lad Brand Pink Salmon"] * * * McGovern & McGovern, Seattle, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On July 31, 1931, McGovern & McGovern, Seattle, Wash., having appeared as claimants for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws. It was further ordered that the product be sorted under the supervision of this department, and that any portion found to be wholesome and suitable for human consumption be released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18759. Adulteration of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26765. I. S. No. 30510. S. No. 4711.)

Samples of butter from the shipment on or about May 5, 1931, herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On May 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Lowell, Mass., alleging that the article had been shipped by the Trout Brook Creamery Co., from Concord, Vt., and had been transported from the State of Vermont into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for

butter, which said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

On June 1, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the three tubs of the product that had been seized be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18760. Adulteration of butter. U. S. v. 21 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 27126. I. S. No. 29235. S. No. 4873.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On June 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Lake County Farmers Cooperative Creamery Association, Two Harbors, Minn., on June 9, 1931, and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

The Lake County Farmers Cooperative Creamery Association, Two Harbors, Minn., interposed a claim for the product and filed a stipulation admitting the allegations of the libel, and consenting to the entry of a decree. On July 10, 1931, the claimant having agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said owner upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked and reprocessed so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18761. Adulteration of butter. U. S. v. 42 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 27124. I. S. No. 34102. S. No. 4872.)

Samples of butter from the interstate shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On June 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 42 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Northwest Dairy Forwarding Co., Duluth, Minn. (acting for West Side Cooperative Creamery, Little Falls, Minn.), on June 13, 1931, into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

J. Eugene Herold, agent for the West Side Creamery Co., Little Falls, Minn., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On July 16, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked and reprocessed so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18762. Adulteration of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26761. I. S. No. 33946. S. No. 4848.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On June 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Henriette Creamery Co., Henriette, Minn., on June 3, 1931, and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

The Henriette Creamery Co., Henriette, Minn., entered a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On July 10, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked and reprocessed so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18763. Adulteration and misbranding of butter. U. S. v. 54 Boxes of Butter. Product ordered released under bond to be reworked. (F. & D. No. 25053. I. S. No. 036860. S. No. 3243.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On June 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifty-four 32-pound boxes of butter, remaining in the original unbroken packages at South St. Paul, Minn., alleging that the article had been shipped by the Mayville Creamery Co., from Mayville, N. Dak., on June 3, 1930, and had been transported from the State of North Dakota into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Brookfield Pasteurized Creamery Butter, 1 Lb. Net Weight Distributed by Swift & Company * * * Chicago."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

It was further alleged in the libel that the article was adulterated (misbranded) in violation of section 8 of the act, paragraph 1, under food, in that it was offered for sale under the distinctive name of another article.

On June 30, 1930, Swift & Co., St. Paul, Minn., having appeared as claimant for the property and having consented to the entry of a decree of forfeiture and condemnation, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked under the supervision of this department and should not be sold or otherwise disposed of contrary to the Federal food and drugs act, and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18764. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27117. I. S. No. 26086. S. No. 5091.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On August 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the Minnesota Creamery Co., from St. Paul, Minn., on or about July 28, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the article purported to be, and in that said article contained less than 80 per cent by weight of milk fat, the act of Congress approved March 4, 1923, having prescribed that butter shall contain not less than 80 per cent by weight of milk fat.

On September 2, 1931, the Minnesota Creamery Co., St. Paul, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or otherwise disposed of contrary to Federal and State laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18765. Adulteration and misbranding of feed. U. S. v. 100 Sacks of Red Dog Feed, et al. Decrees of condemnation and forfeiture. Products released under bond. (E. & D. Nos. 26473, 26498, 26771, 26772, 26788. I. S. Nos. 15911, 17351, 19179, 27519, 27640. S. Nos. 4762, 4796, 4881, 4887, 4907.)

Examination of samples of feeds from the shipments herein described showed that the articles were deficient in protein, since they contained less protein than declared on the labels. The label of the Big C hog and cow feed represented that the article was manufactured in North Carolina, whereas it was manufactured in Virginia.

On or about June 9, June 21, July 8, and July 11, 1931, the United States attorney for the Middle District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, libels praying seizure and condemnation of 182 sacks of Red Dog feed, in part at North Wilkesboro, N. C., and in part at Burlington, N. C., 125 sacks of Blue Ridge feed at Elkin, N. C., and 200 sacks of Big C hog and cow feed at Greensboro, N. C., alleging that the article had been shipped by the Shenandoah Milling Co., from Shenandoah, Va., into the State of North Carolina, between the dates of April 23, 1931 and June 4, 1931, that it remained unsold in the original unbroken packages, and that it was adulterated and misbranded in violation of the food and drugs act as amended. A portion of the Red Dog feed was labeled in part: "100 pounds Net Weight Red Dog Protein 14 per cent * * * Shenandoah Milling Company, Inc., Shenandoah, Va." The remainder of the Red Dog feed was labeled: "Red Dog feed * * * Protein 14.00%." The Blue Ridge feed was labeled in part, "Protein 15.00%," and the Big C hog and cow feed was labeled in part: "Big C Hog and Cow Feed * * * Protein Not less than 15.00% * * * Manufactured by Carolina Flour Mills, Burlington, N. C."

It was alleged in the libels that the articles were adulterated in that substances deficient in protein had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength, and had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the labels bore statements which were false and misleading and deceived and misled the purchaser as follows: "Protein 14 per cent," "Protein 15 per cent," or "Analysis Protein not less than 15.00 per cent," as the case might be. Misbranding was alleged in the libels filed against 60 sacks of Red Dog feed, 125 sacks of Blue Ridge feed, and 200 sacks of Big C hog and cow feed for the further reason that the articles were food in package form and failed to bear plain and conspicuous statements of the quantity of the contents.

On August 20, 1931, the Shenandoah Milling Co., Shenandoah, Va., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$500, conditioned as follows: That they should not be sold or otherwise disposed of contrary to the laws of the United States or of any State, that the statement of the protein

content appearing on the labels be changed to show the actual percentage of protein contained in the article, and that the statement "Manufactured by Carolina Flour Mills, Burlington, N. C.," be stricken from the labels of the Big C hog and cow feed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18766. Adulteration and misbranding of butter. U. S. v. North American Creameries (Inc.). Plea of guilty. Fine, \$500. (F. & D. No. 25019. I. S. Nos. 08554, 08563, 08566, 011856, 011861.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On January 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the North American Creameries (Inc.), a corporation, trading at Paynesville, Minn., alleging shipment by said company, in violation of the food and drugs act, on or about June 11 and July 17, 1929, from the State of Minnesota into the State of Massachusetts, and on or about July 12 and July 19, 1929, from the State of Minnesota into the State of Illinois, of quantities of butter which was misbranded, and a portion of which was adulterated. The article consisted of tub and print butter. A portion of the print butter was labeled in part: (Carton) "Pasteurized Creamery Butter Manufactured by North American Creamery Co., Paynesville, Minn." The remainder of the said print butter was labeled in part: (Carton) "Brookfield Pasteurized Creamery Butter * * * Distributed by Swift & Company."

It was alleged in the information that the print butter was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

Misbranding of the said print butter was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article was butter, a product which should contain not less than 80 per cent by weight of milk fat, as required by law; whereas it did not contain 80 per cent by weight of milk fat, but did contain a less amount. Misbranding was alleged in the information with respect to both the print and tub butter for the reason that the article contained less than 80 per cent by weight of milk fat and was offered for sale under the distinctive name of another article, to wit, butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law.

On April 29, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300 to be paid to the clerk of the court, and an additional fine of \$200, which was suspended.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18767. Adulteration of celery. U. S. v. 300 Crates of Celery. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 26520. I. S. No. 30442. S. No. 4835.)

Examination of samples of celery from the shipment herein described having shown that the article bore a heavy arsenical spray residue, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On June 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 crates of celery at Schenectady, N. Y., alleging that the article had been shipped by the Sanford Oviedo Truck Growers Association, Avon Park, Fla., on or about June 9, 1931, and had been transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, to wit, arsenic, which might have rendered it injurious to health.

On August 6, 1931, the shipper and consignee, being the owners and only interested parties in the proceedings, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18768. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27170. I. S. No. 36346. S. No. 4954.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Elva Co-operative Creamery Co., from Winona, Minn., June 26, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On July 22, 1931, Geo. T. Kruse & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reprocessed under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18769. Adulteration and misbranding of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27168. I. S. No. 37111. S. No. 4980.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Elba Co-operative Creamery Association from Winona, Minn., July 3, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On July 22, 1931, Geo. T. Kruse & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reprocessed under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18770. Adulteration of butter. U. S. v. 50 Boxes of Butter. Decree of condemnation and forfeiture. Product released upon deposit of cash collateral. (F. & D. No. 27136. I. S. No. 30561. S. No. 4981.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress,

the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On July 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 boxes of butter remaining in the original unbroken packages at Springfield, Mass., consigned July 11, 1931, alleging that the article had been shipped by the Dairy and Poultry Cooperative (Inc.), from Denver, Colo., and had been transported from the State of Colorado into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

On August 31, 1931, the Farmers Equity Cooperative Creamery, Denver, Colo., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and deposit of cash security in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws; and it was further ordered by the court that the product be re-worked under the supervision of this department so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18771. Adulteration and misbranding of apricot cordial and peach cordial. U. S. v. 5½ Cases of Apricot Cordial, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26311, 26312. I. S. Nos. 19779, 19780. S. No. 4571.)

Examination of samples of apricot and peach cordials from the shipment herein described showed that the articles contained little or no fruit juice, that the contents of the bottles were less than the declared volume, and that the peach cordial contained more benzoate of soda than declared on the label.

On or about May 1, 1931, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of five and one-half cases of apricot cordial and two and one-half cases of peach cordial at San Antonio, Tex., alleging that the articles had been shipped by E. A. Zatarain, from New Orleans, La., on or about October 28, 1930, and had been transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part, (main bottle label) "Pa-Poose Brand Net Contents 30 Fluid Ounces Certified Color Artificial Flavor Non-Alcoholic Cordial Contains $\frac{1}{10}$ of 1 per cent Benzoate of Soda, Manufactured by E. A. Zatarain & Sons Incorporated New Orleans, Louisiana," and (neck of bottles) "Apricot" or "Peach," as the case might be.

It was alleged in the libels that the articles were adulterated in that a mixture of sugar and water, containing but a slight and negligible amount, if any, of fruit juice, and artificially colored and flavored in imitation of apricot or peach, had been substituted for the said articles.

Misbranding was alleged for the reason that the statements on the labeling, "Peach" or "Apricot," as the case might be, were false and misleading and deceived and misled the purchaser, since the articles contained little, if any, fruit juice or fruit flavor. Misbranding was alleged with respect to the peach cordial for the further reason that the statement, "Contains $\frac{1}{10}$ of 1% Benzoate of Soda," was false and misleading and deceived and misled the purchaser, since the article contained 0.19 per cent of benzoate of soda. Misbranding was alleged with respect to both products for the further reason that they were offered for sale under the distinctive names of other articles, and for the further reason that they were food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated on the label was incorrect.

On June 23, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18772. Adulteration and misbranding of middlings. U. S. v. The Continental Milling Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 25717. I. S. Nos. 029405, 029427, 029433.)

Examination of the shipments of middlings herein described showed that the article contained less fat than declared on the label, portions of the article were also deficient in protein and contained excessive fiber, two of the shipments bore no statement on the labels of the quantity of the contents.

On June 25, 1931, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Continental Milling Co., a corporation, Ellicott City, Md., alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 15, 1930, and March 19, 1930, from the State of Maryland into the State of Virginia, of quantities of middlings which were misbranded, and a portion of which was also adulterated.

Two lots of the article were labeled in part: (Tag) "Pure Wheat White Middlings Guaranteed Analysis Protein 16.50% Fat 5.00% * * * Fibre 3.25% * * * [stamped on tag] The Continental Milling Company Ellicott City, Md." The third lot of the article was labeled in part: "Continental Middlings 100 Lbs. Net When Packed Guaranteed Analysis Protein 14.00%, Fat (Ether Extract) 4.00% * * * Fiber 8.00%. Ingredients: Wheat Middlings, Wheat Bran and Ground Screenings not exceeding mill run. Manufactured by The Continental Milling Co. Ellicott City, Md."

It was alleged in the information that the portion of the article, labeled "Continental Middlings," was adulterated in that ground screenings and bran in excess of the mill run had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength; and in that a product deficient in protein and fat and containing added ground screenings and bran in excess of the mill run had been substituted for the said article.

Misbranding was alleged with respect to all lots of the product for the reason that the statements, "Guaranteed Analysis * * * Fat 5.00% * * * Fibre 3.25%," with respect to a portion of the white middlings; the statements, "Guaranteed Analysis Protein 16.50%, Fat 5.00% * * * Fibre 3.25%," with respect to the remaining lot of the white middlings, and the statements, "Guaranteed Analysis Protein 14.00%, Fat (Ether Extract) 4.00% * * * Ingredients: Wheat, Middlings, Wheat Bran and Ground Screenings not exceeding mill run," with respect to the said Continental middlings, were false and misleading in that the statements represented that the article contained the percentages of protein, fat, and fiber declared on the labels; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the said percentages of protein, fat, and fiber; whereas one lot of the white middlings contained less fat and more fiber than labeled, one lot contained less protein, less fat, and more fiber than labeled, and the Continental middlings contained less protein and less fat than labeled, and contained ground screenings and bran in excess of the mill run. Misbranding was alleged with respect to both shipments of the white middlings for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 25, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18773. Adulteration and alleged misbranding of butter. U. S. v. 13 Tubs, et al., of Butter. Consent decree of condemnation entered. Product released under bond. (F. & D. Nos. 25270, 25272. I. S. Nos. 3247, 3248. S. Nos. 3446, 3463.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On September 26 and September 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 95 tubs of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Great Lakes Terminal Warehouse, Detroit, Mich., alleging that the article had been shipped from Detroit, Mich., on September 5, 1930, and had been transported from the State of Michigan into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent of milk fat (or butterfat) had been substituted for butter.

Misbranding was alleged for the reason that the article was represented to be butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On November 11, 1930, Thomas W. Hackworth (Inc.), having appeared as claimant for the property and having consented to the entry of decrees, judgments were entered condemning the product as adulterated, and it was ordered by the court that the said product be delivered to the claimant to be reworked under the supervision of this department, upon payment of costs and the execution of bonds totaling \$3,940, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18774. Adulteration of herring. U. S. v. 8 Boxes of Herring. Default decree of destruction entered. (F. & D. No. 26804. I. S. No. 25776. S. No. 4961.)

Samples of herring from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On July 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight boxes of herring at Cincinnati, Ohio, alleging that the article had been shipped by the Lake Superior Fish Co., Duluth, Minn., on or about July 16, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained triaenophori (worms) and consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

On August 4, 1931, no claimant having appeared for the property and the court having found that the product was spoiled and unfit for food, judgment was entered, nunc pro tunc as of July 27, 1931, ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18775. Adulteration of canned prunes. U. S. v. 38 Cases of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26043. I. S. No. 18226. S. No. 4342.)

Samples of prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On March 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 cases of canned prunes, remaining in the original cases at Ottumwa, Iowa, alleging that the article had been shipped by the National Fruit Canning Co., Seattle, Wash., on or about November 26, 1930, and had been transported from the State of Washington into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Real Fruit Brand Italian Prunes packed by National Fruit Canning Co., Seattle, Washington."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On September 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18776. Misbranding of cottonseed meal. U. S. v. 600 Bags of Cottonseed Meal. Consent decree of condemnation. Product released under bond. (F. & D. No. 27119. I. S. No. 23812. S. No. 5180.)

Examination of the shipment of cottonseed meal herein described having shown that the sacks containing the article were not marked with a plain and conspicuous statement of the quantity of the contents, the matter was reported to the United States attorney for the District of Kansas by an official of the Kansas State Board of Agriculture.

On or about August 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 600 bags of cottonseed meal, remaining in the original unbroken packages at Manhattan, Kans., alleging that the article had been shipped by the Honey Grove Cotton Oil Co., from Honey Grove, Tex., on or about July 31, 1931, and had been transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the bags contained no mark, brand, or label showing the net weight of the article contained therein.

On September 4, 1931, the D. O. Coe Seed & Grain Co., Topeka, Kans., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be labeled to show the correct weight, and should not be sold or offered for sale in violation of law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18777. Adulteration and misbranding of canned oysters. U. S. v. 100 Cases of Canned Oysters. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 26801. I. S. No. 11166. S. No. 4952.)

Samples of canned oysters from the shipment herein described having been found to contain excessive brine and less oyster meat than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On July 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases of canned oysters, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the (Anticich) Packing Co. (Inc.), from Biloxi, Miss., on or about May 27, 1931, and had been transported from the State of Mississippi into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case and can) "American Beauty Oysters Packed by Anticich Packing Company, Inc., Biloxi, Miss. Net Contents 5 Ounces Oyster Meat."

It was alleged in the libel that the article was adulterated in that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for normal oysters of good commercial quality.

Misbranding was alleged for the reason that the statements, "Oysters" and "Net Contents 5 Ounces Oyster Meat," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On August 10, 1931, L. M. Keen, Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be relabeled and should not be sold or otherwise disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18778. Adulteration and misbranding of canned grapefruit juice. U. S. v. 22 Cases of Canned Grapefruit Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26712. I. S. No. 22821. S. No. 4849.)

Examination of samples of canned grapefruit juice showed that the article contained undeclared added sugar; also that the statement of the quantity of the contents borne on the label was not made in terms of liquid measure.

On June 26, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 cases of canned grapefruit juice, remaining in the original unbroken packages at San Francisco, Calif., alleging that the arti-

cle had been shipped by the Florida Grapefruit Canning Co., from Bradenton, Fla., on or about February 11, 1931, and had been transported from the State of Florida into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Floriana Brand Fancy Florida Grapefruit Juice Contents 1 Lb. 4 Oz. Packed by Florida Grapefruit Canning Company, Inc., Bradenton, Fla."

It was alleged in the libel that the article was adulterated in that added sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Grapefruit Juice," was false and misleading and deceived and misled the purchaser when applied to an article containing undeclared added sugar. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the declaration was not made in terms of fluid ounces.

On July 28, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18779. Adulteration of tullibeas. U. S. v. 68 Cases of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26740. I. S. No. 30791. S. No. 4889.)

Samples of tullibeas from the import shipment herein described having been found to contain worms, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On July 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 68 cases of tullibeas, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about December 8, 1930, by the Armstrong Gimle Fisheries, from Winnipeg, Manitoba, Canada, into the State of Pennsylvania, and that it was adulterated in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted of a portion of an animal unfit for food, and in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18780. Adulteration of tullibeas. U. S. v. 177 Cases of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26715. I. S. No. 30778. S. No. 4865.)

Samples of tullibeas from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On June 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 177 cases of tullibeas, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been imported into the United States from Canada, having been shipped by the Royal Bank of Canada from Riverton, Manitoba, on or about January 15, 1931, and that it was adulterated in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and in that it was a portion of an animal unfit for food.

On July 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18781. Adulteration of herring. U. S. v. 8 Boxes of Herring. Default decree of destruction entered. (F. & D. No. 26785. I. S. Nos. 36272, 36273. S. No. 4908.)

Samples of herring from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On July 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight boxes of herring at Cincinnati, Ohio, alleging that the article had been shipped by the Lake Superior Fish Co., Duluth, Minn., on or about July 2, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

On July 9, 1931, no claimant having appeared for the property, judgment was entered finding the product unfit for human consumption and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18782. Adulteration of shelled pistachio nuts. U. S. v. 26 Cases of Shelled Pistachio Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25649. I. S. No. 15533, S. No. 3887.)

Samples of shelled pistachio nuts from the shipment herein described having been found to be insect injured, decomposed, and shrunken, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 cases of shelled pistachio nuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been imported from Italy on or about November 25, 1929, and charging that it was adulterated in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 20, 1931, Steinhardter & Nordlinger, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be sorted to separate the good nuts from the bad, so that the article comply with the requirements of the Federal food and drugs act and all laws, Federal and State. It was further ordered by the court that the product should not be disposed of until inspected by a representative of this department, and that the rejected portion or the entire lot, if such inspection showed the reconditioning to be unsatisfactory, be destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18783. Adulteration of dried prunes. U. S. v. 1,200 Boxes, et al., of Prunes. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 26116, 26117. I. S. Nos. 11087, 11088, 11089, 11090. S. Nos. 4299, 4300.)

The dried prunes in the shipments herein described having been found to contain insect-infested, bin-spoiled, lye-injured, and brown-rot-infected fruit, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On March 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 5,817 cases of dried prunes, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by J. C. Tracy & Co., from Portland, Oreg., in part on or about February 17, 1931, and in part on or about February 23, 1931, in interstate commerce into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Oregon Prunes Web Foot Brand Packed by J. C. Tracy & Co., Dallas, Oregon."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On or about May 20, May 29, June 5, and June 9, 1931, J. C. Tracy & Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$11,200, conditioned in part that it be wiped, washed, or otherwise treated, in such

manner as would insure the removal of all substances contained thereon, so it comply with the requirements of the Federal food and drugs act, and all laws relating thereto. It was further ordered by the court that the product should not be disposed of for human consumption until inspected by a representative of this department and pronounced in compliance with the law and that the rejected portion or all, if the reconditioning be unsatisfactory, be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18784. Adulteration of tomato catsup. U. S. v. 140 Cases, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25778, 25899. I. S. Nos. 10859, 10862, 10868. S. Nos. 3935, 4022.)

Samples of tomato catsup from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Illinois.

On January 20 and February 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 140 cases of bottled tomato catsup at Litchfield, Ill., and 24 cases of canned tomato catsup and 173 cases of bottled catsup at Springfield, Ill., alleging that the article had been shipped by the Frazier Packing Co., Elwood, Ind., the former on or about October 4, 1930, and the latter on or about November 17, 1930, and had been transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act. A portion of the bottled catsup was labeled in part, "Cham-Urba Brand * * * Tomato Catsup Packed for Stevens Grocery Co. Champaign, Ill.," and the remainder was labeled in part: "Clover Farm Brand * * * Tomato Catsup Distributed by Clover Farm Stores National Headquarters Cleveland, Ohio." The canned tomato catsup was labeled in part: "Sangamo Brand Pure Tomato Catsup * * * Packed For Jageman-Bode Co. Springfield Ill."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On September 18, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18785. Adulteration and misbranding of tomato catsup. U. S. v. 8 Cartons, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26213, 26314. I. S. Nos. 28504, 28520. S. Nos. 4517, 4625.)

Samples of tomato catsup from the shipments herein described having been found to contain an undeclared thickener, an unidentified gum, the Secretary of Agriculture reported the matter to the United States attorney for the District of Rhode Island.

On April 10 and May 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 24½ cartons each containing two dozen 8-ounce bottles, and 6½ cartons each containing two dozen 14-ounce bottles of tomato catsup, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by Alex. Cairns & Sons (Ltd.), from Baltimore, Md., in various consignments on or about January 19, January 22, and April 2, 1931, and had been transported from the State of Maryland into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cairn's Paisley Tomato Catsup Made in U. S. A. Alex Cairns & Sons, Ltd., Paisely, New York."

It was alleged in the libels that the article was adulterated in that tomato catsup containing added gum had been substituted for the said article.

Misbranding was alleged for the reason that the statement on the label, "Tomato Catsup," was false and misleading and deceived and misled the purchaser when applied to tomato catsup containing added gum. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 1 and May 22, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18786. Misbranding of flour. U. S. v. 320 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26794. I. S. Nos. 35464, 35465. S. No. 4931.)

Sample sacks of flour taken from the shipment herein described having been found to contain less than the weight declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Louisiana.

On July 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 320 sacks of flour, remaining in the original unbroken packages at Opelousas, La., alleging that the article had been shipped by the Fant Milling Co., Sherman, Tex., on or about July 6, 1931, and had been transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Sack) "Fant's Famous Flour, 24 Pounds Net." The remainder of the said article was labeled in part: (Sack) "Red Elephant Hard Wheat Flour, 98 Pounds Net."

It was alleged in the libel that the article was misbranded in that the statements, "24 Lbs. Net," and "48 [98] Pounds Net," borne on the labels, were false and misleading and deceived and misled the purchaser, since the packages were short weight and contained less than a reasonable variation from the labeled weights. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made thereon were incorrect as to weight.

The Fant Milling Co., Sherman, Tex., filed a claim and answer, admitting the allegations of the libel and praying that the product be released to be resacked upon the execution of a good and sufficient bond. On July 17, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the claimant be permitted to resack the flour under the supervision of the United States marshal or a representative of this department, so as to bring the contents of the sacks up to the weights declared thereon; that upon proof that the terms of the decree had been complied with, the product be released, and that claimant pay all costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18787. Adulteration and misbranding of canned red raspberry juice. U. S. v. Washington Berry Growers Packing Corporation. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 26561. I. S. No. 5072.)

Samples of canned red raspberry juice having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On July 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Washington Berry Growers Packing Corporation, a corporation, Sumner, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about September 15, 1930, from the State of Washington into the State of Massachusetts, of a quantity of the said canned red raspberry juice, which was adulterated and misbranded. The article was labeled in part: (Case) "Red Raspberries Juice Packed by Washington Berry Growers Pkg. Corp., Sumner, Wash.;" (can) "5 Gal. Red Raspberry Juice."

It was alleged in the information that the article was adulterated in that an added substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Red Raspberries Juice," borne on the cases containing the cans, and the statement, "Red Raspberry Juice," borne on the cans containing the article, were false and misleading in that the said statements represented that the article consisted solely of raspberry juice; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted solely of raspberry juice; whereas it did not so consist, but did consist in part of undeclared added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, raspberry juice, which it purported solely to be.

On July 30, 1931, a plea of nolo contendere to the information having been entered on behalf of the defendant company, the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18788. Adulteration of canned salmon. U. S. v. 367 Cases, et al., of Canned Salmon. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 25147, 25150. I. S. Nos. 1078, 1079, 1080, 1082, 1180. S. Nos. 3408, 3419.)

Samples of canned salmon from the shipments herein described having been found to be tainted, stale, or putrid, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 818 cases, each containing 48 cans of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Icy Straits Fisheries, from Hoonah, Alaska, arriving at Seattle, Wash., in various consignments, on July 6, July 18, and August 5, 1930, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part, variously: (Cases) "I. S. F. Co. Pink Halves Alaska;" "I. S. F. Co. Alaska Size Pink Halves;" "I. S. F. Co. A Pink Halves;" "I. S. F. Co. Alaska Size Sockeye Halves."

Adulteration was alleged in the libels with respect to a portion of the article for the reason that it consisted in whole or in part of a decomposed animal substance, and with respect to the remainder for the reason that it consisted in whole or in part of a decomposed or putrid animal substance.

On August 25, 1931, McGovern & McGovern, Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,200, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18789. Adulteration and misbranding of canned frozen eggs. U. S. v. 203 Cans of Frozen Eggs. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 26205. I. S. No. 28339. S. No. 4528.)

Samples of frozen eggs from the shipment herein described were found to be decomposed. Examination also showed that the containers failed to bear a plain and conspicuous statement of the quantity of the contents.

On April 9, 1931, the United States attorney for the Western District of New York, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 203 unlabeled cans of frozen eggs, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Henderson Produce Co., Monroe City, Mo., alleging that the article had been shipped from Monroe City, Mo., on or about August 25, 1930, and had been transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 27, 1931, David Bunshaft, Buffalo, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or other existing laws. It was further ordered by the court that the claimant be permitted to recondition, repack, and relabel the goods under the supervision of this department, and that the portion of the goods found to comply with the law be released and that the unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18790. Adulteration of celery. U. S. v. 98 Crates of Celery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26523. I. S. No. 33898. S. No. 4836.)

Samples of celery from the shipment herein described having been found to bear a large amount of arsenical spray residue, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On June 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 98 crates of celery, remaining in the original unbroken packages at Newark, N. J., alleging that on or about June 16, 1931, the article had been shipped in interstate commerce into the State of New Jersey by W. C. Deyo, of New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On July 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18791. Adulteration and misbranding of butter. U. S. v. 25 Cases of Sunlight Creamery Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26369. I. S. No. 14477. S. No. 3988.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Georgia.

On January 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 cases of butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Sunlight Creameries from Washington Court House, Ohio, on or about December 24, 1930, and had been transported from the State of Ohio into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Sunlight Creamery Butter * * * The Cudahy Packing Co."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality; and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress.

Misbranding was alleged for the reason that the product was offered for sale under the distinctive name of another article, to wit, butter; and for the further reason that the statement "Butter," borne on the label, was false and misleading and deceived and mislead the purchaser, in that the said statement represented that the article consisted wholly of butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, whereas it did not, but did consist of a product containing less than 80 per cent by weight of milk fat.

On February 14, 1931, the Cudahy Packing Co., Savannah, Ga., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reworked so that it comply in all respects with the Federal food and drugs act, both as to quality and labels.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18792. Adulteration and misbranding of butter. U. S. v. 9 Tubs, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27115, 27162. I. S. Nos. 31022, 28646. S. Nos. 4903, 5008.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On or about June 30, 1931 and July 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 16 tubs of butter, remaining in the original unbroken packages at Baltimore, Md., consigned in part on June 23, 1931, and in part about July 18, 1931, alleging that the article had been shipped by the Rosholt Creamery Co., of Rosholt, Wis., the former from Chicago, Ill., and

the latter from Rosholt, Wis., and had been transported from the States of Illinois and Wisconsin into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article; misbranding was alleged with respect to a portion of the article for the further reason that the labeling bore the statement "Butter," which was false and misleading and deceived and misled the purchaser; and with respect to the remainder of the article for the reason that the label bore the statement (on invoice) "Butter," which was false and misleading and deceived and misled the purchaser.

On July 10, 1931 and August 17, 1931, the H. L. Piel Co., Baltimore, Md., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of bonds totaling \$600, conditioned in part that it should not be sold or disposed of until reworked and brought to 80 per cent of milk fat, so that it conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18793. Adulteration of shrimp in glass. U. S. v. 76 Cases of Shrimp in Glass Jars. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26302. I. S. No. 11843. S. No. 4619.)

Samples of shrimp from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On April 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 67 cases of shrimp in glass jars, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Pelican Lake Oyster & Packing Co., from Houma, La., on or about November 27, 1930, and had been transported from the State of Louisiana into the State of California, and charging adulteration in violation of the food and drugs act. On May 12, 1931, the libel was amended to cover 76 cases of the product. The article was labeled in part: (Jar) "Pellaco Fancy Louisiana Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed animal substance.

On July 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18794. Adulteration and misbranding of butter. U. S. v. 6 Tubs, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 27138. I. S. Nos. 15175, 35051. S. No. 4890.)

Examination of samples of butter from the shipments herein described having shown that the tub butter contained less than 80 per cent by weight of milk fat, the standard provided by Congress, and that the print butter was short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On or about June 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6 tubs of butter and 255 cases, each containing 32 pounds of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Swift & Co., Oklahoma City, Okla., the former on or about May 30, 1931, and the latter on or about June 6, 1931, and had been transported from the State of Oklahoma into the State of Louisiana, and charging adulteration and misbranding of the tub butter, and misbranding of the print butter in violation of the food and drugs act as amended. The tub butter was labeled in part: "Brookfield Creamery Butter Swift & Company." The print butter was labeled in part: (Carton) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter Quarters 1 Lb. Net Weight, Distributed by Swift & Company."

Adulteration of the tub butter was alleged in the libel for the reason that a product deficient in milk fat had been substituted for butter, which the article purported to be; and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding of the tub butter was alleged for the reason that it was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat. Misbranding of the print butter was alleged for the reason that the statement, "1 Lb. Net Weight," borne on the label, was false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On June 24, 1931, Swift & Co. (Ltd.), New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$3,150, conditioned that it be reworked or relabeled, as the case might be, under the supervision of this department, so that it meet the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18795. Misbranding of butter. U. S. v. 50 Cases of Butter. Consent decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 27121. I. S. No. 12949. S. No. 4962.)

Samples of butter from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On June 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Swift & Co., from Portland, Oreg., on June 6, 1931, and had been transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrappers) "Glenwood Creamery Butter Distributed by Swift & Company, General Office; Chicago, U. S. A., Pasteurized 1 Lb. Net Weight."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 Lb. Net Weight," was false and misleading, since the package contained less than 1 pound net; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 18, 1931, Swift & Co., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$676.80, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18796. Adulteration of celery. U. S. v. 350 Crates of Celery. Default decree of condemnation, forfeiture, and destruction entered. (F. & D. No. 26706. I. S. No. 30546. S. No. 4850.)

Samples of celery from the shipment herein described having been found to bear a large amount of arsenical spray residue, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On June 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 350 crates of celery, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Sanford Oviedo Truck Growers' Association, from Avon Park, Fla., on or about June 18, 1931, and had been transported from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered the article injurious to health.

On July 1, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18797. Adulteration and misbranding of butter. U. S. v. Forty-three 30-Pound Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26760. I. S. No. 33945. S. No. 4844.)

Samples of butter from the shipment herein described were found to contain less than 80 per cent of milk fat, the standard provided by Congress; examination also showed that the cartons contained less than the declared weight.

On June 18, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of forty-three 30-pound cases of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Paul A. Schulze Co., St. Louis, Mo., June 3, 1931, and had been transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Blue Ribbon Brand Creamery Butter * * * One Pound * * * David W. Lewis & Company, New York;" (case) "From Paul A. Schulze Co. Mfrs. Butter, St. Louis, Missouri."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as provided by act of March 4, 1923.

Misbranding was alleged for the reason that the statement on the label, "One Pound Net," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement, "One Pound Net," was incorrect.

David W. Lewis & Co. (Inc.), New York, N. Y. interposed a claim as agent for Paul A. Schulze Co., St. Louis, Mo., the owner of the product, and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On June 29, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18798. Adulteration of canned tomato puree. U. S. v. 19 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26455. I. S. No. 22265. S. No. 4743.)

Samples of canned tomato puree from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On May 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 cases of canned tomato puree, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Meyer Simon Co., from Long Beach, Calif., on or about April 14, 1931, and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Golden Ram Brand California Tomato Puree Bastanchury Ranch Company, Fullerton, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On July 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18799. Adulteration and misbranding of tomato paste. U. S. v. 178 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26246. I. S. No. 28427. S. No. 4561.)

Samples of canned tomato paste from the shipment herein described having been found to contain undeclared added color, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On April 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 178 cases, each containing 100 tins of tomato paste, remaining in the original unbroken packages at Somerville, Mass., alleging that the article had been shipped by the California Conserving Co. (Inc.), San Francisco, Calif., from Oakland, Calif., on or about November 4, 1930, and had been transported from the State of California into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Carmen Brand Italian Style Tomato Paste Concentrated * * * Packed For C. Carbone Somerville, Mass. * * * Salsa Di Pomodoro."

It was alleged in the libel that the article was adulterated in that artificially colored tomato paste had been substituted for the said article.

Misbranding was alleged for the reason that the statements, "Tomato Paste" and "Salsa Di Pomodoro," and the design of red ripe tomatoes on the label, were false and misleading and deceived and misled the purchaser when applied to an article artificially colored. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 31, 1931, William E. Clapp, Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,450, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act or other existing laws. It was further ordered by the court that the product be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18800. Adulteration of canned turnip greens. U. S. v. 55 Cases of Wellworth Brand Canned Turnip Greens. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26211. I. S. No. 10137. S. No. 4535.)

Samples of canned turnip greens from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Tennessee.

On April 8, 1931, the United States attorney filed in the District Court of the district aforesaid a libel praying seizure and condemnation of 55 cases of canned turnip greens, remaining in the original unbroken cases at Knoxville, Tenn., alleging that the article had been shipped by Y. S. B. Gray & Son, Griffin, Ga., on or about November 15, 1930, and had been transported from the State of Georgia into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wellworth Brand Turnip Greens * * * Grown and Packed by Y. S. B. Gray & Son, Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On July 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18801. Adulteration and misbranding of canned tomato paste. U. S. v. 377 Cases, et al., of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26485. I. S. No. 30538. S. No. 4774.)

Samples of canned tomato paste from the shipment herein described having been found to contain undeclared added color, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On June 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 377 cases each containing 200 tins, and 98 cases each containing 100 tins of tomato paste, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Biscaglia Bros., San Jose, Calif., on or about April 21, 1931, and had been transported from the State of California into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pastene Brand Tomato Paste Pastene Purity Brand Salsa Packed for Pastene Products Co., New York, Boston, Naples."

It was alleged in the libel that the article was adulterated in that artificially colored tomato paste had been substituted for the said article.

Misbranding was alleged for the reason that the statement, "Tomato Paste Salsa," and the design of a red ripe tomato on the label were false and misleading, and deceived and misled the purchaser when applied to an article artificially colored.

Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 31, 1931, William E. Clapp, Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$6,800, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act or other existing laws. It was further ordered by the court that the product be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18802. Adulteration and misbranding of butter. U. S. v. 71 Cases, et al., of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27137. I. S. Nos. 35054, 35055, 35056. S. No. 4892.)

Examination of samples of print and tub butter from the shipment herein described showed that the print butter was short weight and that the tub butter contained less than 80 per cent of milk fat, the standard provided by Congress.

On or about June 22, 1931, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 84 cases of print butter and 5 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Lange Creamery Co., Salina, Kans., on or about June 8, 1931, and had been transported from the State of Kansas into the State of Louisiana, and charging adulteration and misbranding with respect to the tub butter, and misbranding with respect to the print butter, in violation of the food and drugs act as amended. A portion of the print butter was labeled in part: (Carton) "Pet Brand Butter—Quarters—Pet Butter Churned for the discriminating public under the supervision of Gerde, Newman & Co. One Pound Net." The remainder of the print butter was labeled in part: (Carton) "1 Lb. Net Weight."

It was alleged in the libel that the tub butter was adulterated in that a substance deficient in milk fat had been substituted for butter, which the article purported to be, and in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding of the said tub butter was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat; and for the further reason that it was sold under the distinctive name of another article. Misbranding was alleged with respect to the print butter for the reason that the statements, "One Pound Net" and "1 Lb. Net Weight," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated on the packages was not correct.

On June 27, 1931, Gerde, Newman & Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reshipped to the Lange Creamery Co., Kansas City, Mo., and there reworked and reconditioned, under the supervision of this department, so that it comply with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18803. Adulteration and misbranding of butter. U. S. v. 315 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 24984. I. S. No. 034934. S. No. 3238.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On July 1, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 315 tubs of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Swift & Co., from Mount Vernon, Ill., on or about May 23, 1930, and had been transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the article purported to be, and in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled butter, and should have contained not less than 80 per cent by weight of milk fat as prescribed by said act.

Swift & Co., Chicago, Ill., entered an appearance and claim of ownership, praying delivery of the product; filed a bond in the sum of \$2,500, and consented to the entry of a decree. On July 26, 1930, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the claimant for reshipment to its plant at Mount Vernon, Ill., that it be reconditioned under the supervision of this department so that it would not violate the provisions of the Federal food and drugs act, and that it be released when so reconditioned.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18804. Misbranding of cottonseed cake screenings. U. S. v. 600 Sacks of Cottonseed Cake Screenings. Consent decree of condemnation. Product released under bond. (F. & D. No. 27118. I. S. No. 23806. S. No. 4922.)

Certain sacks of cottonseed cake screenings from the shipment herein described having been examined and found to contain less than 100 pounds of the article, the weight declared on the label, the matter was reported to the United States attorney for the District of Kansas, by an official of the Kansas State Board of Agriculture.

On or about June 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 600 sacks of the said cottonseed cake screenings, remaining in the original unbroken packages at Morris, Kans., alleging that the article had been shipped by R. L. Heflin (Inc.), Sherman, Tex., on or about May 9, 1931, and had been transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100 Pounds Net * * * Feeders Supply & Mfg. Co., K. C. Mo."

It was alleged in substance in the libel that the article was misbranded in that the sacks were represented to contain 100 pounds net weight, whereas they contained less than 100 pounds net weight.

On June 25, 1931, R. L. Heflin & Co. (Inc.), Sherman, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execu-

tion of a bond in the sum of \$2,000, conditioned in part that it would not be sold or offered for sale in violation of the law and that it be resacked and relabeled to show the true quantity of the contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18S05. Adulteration and misbranding of canned grapefruit juice. U. S. v. 189 Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26440. I. S. No. 22049. S. No. 4721.)

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the article contained undeclared added sugar and that the statement of contents appearing on the label was made in terms of weight instead of liquid measure, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On May 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 189 cases of canned grapefruit juice remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Hills Bros. Co., from Clearwater, Fla., on or about February 21, 1931, and had been transported from the State of Florida into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Net Weight 10 Ounces Dromedary Grapefruit Juice Pure Juice of Finest Fruit * * * Packed by The Hills Bros. Co. of Florida Clearwater, Florida."

Adulteration was alleged in the libel for the reason that a substance, grapefruit juice with added sugar, had been substituted for the article.

Misbranding was alleged for the reason that the statements on the label, "Grapefruit Juice" and "Pure Juice," were false and misleading and deceived and misled the purchaser; for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement was made in terms of weight instead of liquid measure.

On July 1, 1931, the Dromedary Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18S06. Adulteration and misbranding of canned grapefruit juice. U. S. v. 87 Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26410. I. S. No. 22106. S. No. 4712.)

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the article contained undeclared added sugar and that the statement of contents appearing on the label was made in terms of weight instead of liquid measure, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On May 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 87 cases of canned grapefruit juice, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Ariss, Watson and Gault, from Seattle, Wash., on or about March 19, 1931, and had been transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Net Weight 10 Ounces Dromedary Grapefruit Juice. Pure Juice of the Finest Fruit Distributed by the Hills Bros. Co. of Florida, Clearwater, Fla."

Adulteration was alleged in the libel for the reason that a substance, grapefruit juice with added sugar, had been substituted for the article.

Misbranding was alleged for the reason that the statements on the label, "Grapefruit Juice" and "Pure Juice," were false and misleading and deceived and misled the purchaser. since it contained undeclared and added sugar; for the further reason that the product was offered for sale under the

distinctive name of another article, to wit, grapefruit juice, which it purported solely to be; and for the further reason that the product was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement was made in terms of weight instead of liquid measure.

On July 1, 1931, the Dromedary Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18807. Adulteration of canned salmon. U. S. v. 29 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25825. I. S. No. 15728. S. No. 4061.)

Samples of salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 cases of canned salmon, remaining in the original unbroken packages at Fall River, Mass., alleging that the article had been shipped by the F. A. Gosse Co., from Seattle, Wash., on or about August 29, 1930, and had been transported from the State of Washington into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases) "D. I. P. Co. Pink-81;" (cans) "Plymouth Brand Pink Salmon * * * Packed for National Wholesale Grocery Co. Inc., Fall River and New Bedford, Mass."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On August 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18808. Adulteration of canned prunes. U. S. v. 800 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25895. I. S. No. 20880. S. No. 4075.)

Samples of prunes from the shipment herein described having been found to be infected with brown rot, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On February 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 800 cases of canned prunes, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Ray-Brown Co., from Woodburn, Oreg., on or about November 15, 1930, and had been transported from the State of Oregon into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Six tins number ten fresh seal brand fresh prunes packed by Ray-Brown Co. Inc. Woodburn Oregon U. S. A.;" (can) "Fresh Seal Fresh Prunes."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 2, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18809. Misbranding of maple sirup. U. S. v. 4 1/6 Cases of Maple Sirup. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26471. I. S. No. 29971. S. No. 4763.)

Sample cans of maple sirup from the shipment herein described having been found to contain less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On June 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of $4\frac{1}{2}$ cases of maple sirup, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by Rigney & Co., Brooklyn, N. Y., on or about March 16, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can label) "Scott's De Luxe Pure Sap Maple Syrup John Scott & Co. Inc., Sole Distributors. Philadelphia, Pa. Contents 1 Flu. Gal.;" (stamped in tin) "1 U. S. Gal.;" (shipping box) "6 1-Gal. Cans Scott's De Luxe Pure Maple Syrup. John Scott & Co., Philadelphia, Pa."

Misbranding of the article was alleged in the libel for the reason that the statements, (can label) "1 Flu. Gal.," (stamped in tin) "1 U. S. Gal.," and (shipping box) "6 1-Gal.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On July 24, 1931, John Scott & Co., Philadelphia, Pa., and Rigney & Co., New York, N. Y., having appeared as claimants for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this department and should not be sold or otherwise disposed of contrary to the laws of the United States, or any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18810. Adulteration of catsup. U. S. v. 71 Cases of Catsup. Default decree of condemnation and forfeiture entered. (F. & D. No. 25638. I. S. No. 10857. S. No. 3898.)

Samples of catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Illinois.

On January 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 71 cases of catsup, remaining in the original packages at Decatur, Ill., alleging that the article had been shipped by the Frazier Packing Co., Elwood, Ind., on or about October 11, 1930, and had been transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottles) "Golden Drip Net Cont. 8 Oz. Fancy Tomato Catsup."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On September 18, 1931, no claimant having appeared for the property, and the court having found that the allegations of the libel were true and that the product was subject to forfeiture to the United States, judgment was entered ordering that the said product be condemned and forfeited.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18811. Adulteration of fish (bluefins). U. S. v. 4 Boxes of Bluefins, et al. Default decrees of destruction entered. (F. & D. Nos. 26827, 26835, 26863. I. S. Nos. 25786, 36304, 37099. S. Nos. 5002, 5024, 5054.)

Samples of fish (bluefins) from the shipments herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On July 31, August 4, and August 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of nine boxes, each containing 100 pounds of fish (bluefins) at Cincinnati, Ohio, alleging that the article had been shipped by Sam Johnson & Sons (Fisheries), Duluth, Minn., in various consignments, on or about July 27, July 30, and August 6, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration was alleged in the libels for the reason that the article was infested with triaenophori (worms), and consisted wholly or partly of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

No claimant having appeared for the property involved in the cases and the court having found that the fish was spoiled and unfit for human consumption, on August 4, 1931, a decree was entered ordering that the portion of the product libeled on that date be destroyed by the United States marshal; on August 4 and September 2, 1931, decrees were entered, *nunc pro tunc* as of the date of filing the libels, ordering that the remainder of the product be destroyed by the marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18812. Adulteration and misbranding of fruit preserves. U. S. v. 130 Cases of Hygeia Brand Pure * * * Preserves. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 26462. I. S. Nos. 28736 to 28741, incl., 28770 to 28773, incl. S. No. 4740.)

Examination of assorted fruit preserves from the shipments herein described showed that the article contained added undeclared pectin, also that the jars contained less than the declared weight.

On June 9, 1931, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 130 cases of fruit preserves, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by Mrs. G. L. Harting, from Philadelphia, Pa., in various consignments, on or about January 8, March 20, April 9, and April 30, 1931, and had been transported from the State of Pennsylvania into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jar) "2 Pounds Net Avd. Hygeia Brand Pure Strawberry [or "Peach" or "Pineapple"] Preserves Distributed by Old Dominion Tobacco Co. Norfolk, Va."

It was alleged in the libel that the article was adulterated in that undeclared added pectin had been substituted in part for strawberry, peach, and pineapple preserves, which the article purported to be.

Misbranding was alleged for the reason that the statements, "2 Pounds Net Avd." and "Pure * * * Preserves," borne on the label, were false and misleading and deceived and misled the purchaser; for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On August 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal. The decree further provided that the statements, "2 Pounds Net Avd." and "Pure," be obliterated from the label and that the statements, "1 lb. 15 Oz. Contains Added Pectin," be stamped thereon before sale of the product.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18813. Adulteration and misbranding of canned grapefruit juice. U. S. v. 15 Cases of Canned Grapefruit Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26492. I. S. No. 11416. S. No. 4798.)

Samples of canned grapefruit juice from the shipment herein described were found to contain undeclared added sugar and to be short of the declared volume.

On June 13, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cases of canned grapefruit juice, remaining in the original unbroken packages at Sacramento, Calif., alleging that the article had been shipped by the Westcoast Fruit Co., Clearwater, Fla., on or about December 8, 1930, and had been transported from the State of Florida into the State of California and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Dixie Dainty Brand Florida Grapefruit Juice Contents 11 ounces Pure Grapefruit Juice Westcoast Fruit Co., Packers, Clearwater, Fla."

It was alleged in the libel that the article was adulterated in that a substance, to wit, grapefruit juice containing undeclared added sugar, had been substituted for grapefruit juice, which the said article purported to be.

Misbranding was alleged for the reason that the statements, "Grapefruit Juice Contents 11 ounces Pure Grapefruit Juice," borne on the label, were false

and misleading, and deceived and misled the purchaser when applied to an article containing undeclared added sugar, and that was short weight. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated on the label was not correct; and for the further reason that the article was offered for sale under the distinctive name of another article.

On August 3, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18814. Adulteration of tullibeas. U. S. v. 104 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26791. I. S. No. 33916. S. No. 4928.)

Samples of tullibeas from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On July 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 104 boxes of tullibeas, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Armstrong Gimle Fisheries, from Winnipeg, Manitoba, Canada, into the State of New Jersey, on or about January 31, 1931, and that it was adulterated in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of a portion of an animal unfit for food.

On July 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18815. Adulteration and misbranding of processed yolk blend. U. S. v. Benjamin Holland (Benjamin Holland Manufacturing Co.). Plea of guilty. Fine, \$50. (F. & D. No. 25724. I. S. No. 852.)

Samples of a product represented to be a processed yolk blend having been found to be a mixture of dried egg yolk and dried skim milk, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On May 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Benjamin Holland, trading as the Benjamin Holland Manufacturing Co., Seattle, Wash., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 12, 1930, from the State of Washington into the State of Montana, of a quantity of processed yolk blend, which was adulterated and misbranded. The article was labeled in part: "Processed Yolk Blend a Mixture * * * Benjamin Holland Mfg. Co., Seattle."

It was alleged in the information that the article was adulterated in that a substance, to wit, dried and powdered skim milk, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for a processed and blended mixture of egg yolk, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Processed Yolk Blend A Mixture," borne on the barrel containing the article, was false and misleading in that the said statement represented that the article was a processed and blended mixture of egg yolk consisting solely of egg yolk; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a processed and blended mixture of egg yolk, consisting solely of egg yolk; whereas it was not, but was a compound mixture consisting of approximately 60 per cent of egg yolk and 40 per cent of dried and powdered skim milk.

On July 21, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18816. Adulteration of herring. U. S. v. 6 Boxes of Herring. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 26774. I. S. No. 35691. S. No. 4894.)

Samples of herring from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six boxes of herring, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Fisher Fish Co., from Green Bay, Wis., on or about June 27, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of a portion of an animal unfit for food.

On July 13, 1931, the claimant having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18817. Adulteration of butter. U. S. v. Ten 30-Pound Boxes of Butter. Default decree of condemnation and destruction. (F. & D. No. 25441. I. S. No. 8106. S. No. 3691.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of West Virginia.

On November 5, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of ten 30-pound boxes of butter at Huntington, W. Va., alleging that the article had been shipped by the Blue Grass Butter Co., from Harrodsburg, Ky., on or about October 24, 1930, and had been transported from the State of Kentucky into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Carton) "Pure Creamery Butter * * * One Pound Net Manufactured by Blue Grass Butter Co., Harrodsburg, Ky."

It was alleged in the libel that the article was adulterated in that it contained less than 80 per cent by weight of milk fat, whereas by the act of Congress of March 4, 1930 (1923), butter, which the article purported to be, must contain not less than 80 per cent by weight of milk fat.

On August 10, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18818. Adulteration of bluefins. U. S. v. 500 Pounds of Bluefin Fish. Default decree of forfeiture and destruction. (F. & D. No. 26837. I. S. No. 37100. S. No. 5029.)

Samples of fish (bluefins) from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On August 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 500 pounds of bluefin fish at Sandusky, Ohio, alleging that the article had been shipped by the Booth Fisheries, Duluth, Minn., on or about August 1, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was infested with triaenophori (worms), and consisted wholly or partly of a filthy, decomposed, or putrid animal substance unfit for food.

On August 7, 1931, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18819. Adulteration of dressed poultry. U. S. v. 40 Barrels of Dressed Poultry. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26809. I. S. No. 25199. S. No. 4968.)

Samples of dressed poultry from the shipment herein described having been found to be tubercular and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about July 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 40 barrels of dressed poultry at Chicago, Ill., alleging that the article had been shipped by Levine Bros. from Duluth, Minn., July 17, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in that it was the product of diseased animals.

On August 26, 1931, Harry Berg & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws, and further conditioned that it be sorted under the supervision of this department and the portion found unfit for food destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18820. Adulteration and misbranding of canned minced clams. U. S. v. 50 Cases, et al., of Minced Clams. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 26710, 26724. I. S. Nos. 22817, 22823, 22851, 22853. S. Nos. 4853, 4869.)

Samples of canned minced clams from the shipments herein described having been found to contain excessive brine, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On June 26 and July 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 756 cases, each containing 48 cans of minced clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Wiegardt Bros., from Ocean Park, Wash., in part on or about May 20, 1931, and in part on or about June 5, 1931, and had been transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the food and drugs act.

A portion of the article was labeled in part: (Case) "48 Halves Jacobson Reimer Co. San Francisco;" (can) "Master Brand Minced Razor Clams Packed by Wiegardt Bros. Ocean Park, Washington. Contents 7 Oz." The remainder of the said article was labeled in part: (Case) "4 Doz. No. ½ S and W Minced Razor Clams Sussman Wormser & Co. Distributors San Francisco, Calif.;" (can) "S & W Minced Razor Clams Contents Weight 3½ oz. Clam meat metric equivalent 99 grams."

It was alleged in the libels that the article was adulterated in that excessive brine had been substituted in part for the said article.

Misbranding was alleged with respect to a portion of the article for the reason that the statement on the label, "Minced Razor Clams," was false and misleading and deceived and mislead the purchaser when applied to a product containing an excessive amount of brine; and for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the remainder of the article for the reason that the statements, "Minced Razor Clams" and "Contents weight 3½ oz. Clam meat metric equivalent 99 grams," were false and misleading and deceived and misled the purchaser when applied to an article containing excessive brine.

On August 5, 1931, Wiegardt Bros., Ocean Park, Wash., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of cash bonds totaling \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18821. Adulteration and misbranding of canned clams. U. S. v. 51 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26714. I. S. No. 22818. S. No. 4856.)

Samples of canned clams from the shipment herein described having been found to contain excessive brine, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On June 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 51 cases, each containing 48 cans of clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Guilford Packing Co., of Westport, Wash., from Portland, Oreg., on May 23 and May 26, 1931, and had been transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Trupak Super Quality Whole Cleaned Razor Clams Net Contents 10 oz. Drained Meat 4½ oz. Haas Brothers Distributors San Francisco & Fresno, California."

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Clams" and "Drained Meat 4½ oz.," borne on the label, were false and misleading and deceived and mislead the purchaser when applied to an article containing an excessive amount of brine, and to clams whose drained weight was less than represented.

On August 7, 1931, the Guilford Packing Co., Westport, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18822. Adulteration of canned tuna fish. U. S. v. 50 Cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26479. I. S. Nos. 33831, 33832. S. No. 4772.)

Samples of canned tuna fish from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On June 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 cases, each containing 48 cans of tuna fish, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the California Sea Food Co., from Los Angeles, Calif., on or about March (April) 28, 1931, and had been transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Caltuna Brand [or "Montecito Brand"] California Light Meat Tuna Salad Pieces * * * Guaranteed by California Sea Food Co., Los Angeles, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On July 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18823. Adulteration of celery. U. S. v. 77 Crates of Celery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26524. I. S. No. 29918. S. No. 4845.)

Samples of celery from the shipment herein described having been found to bear a large amount of arsenical spray residue, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On June 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemna-

tion of 77 crates of celery, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Sanford Oviedo Truck Growers Association from Avon Park, Fla., on or about June 15, 1931, and had been transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Autograph Brand."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On July 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18824. Adulteration of celery. U. S. v. 345 Crates of Celery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26515. I. S. No. 30441. S. No. 4830.)

Samples of celery from the shipment herein described having been found to bear arsenical spray residue, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On June 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 345 crates of celery, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Sanford Oviedo Truck Growers Association, from Avon Park, Fla., on or about June 10, 1931, and had been transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenic, which might have rendered it injurious to health, an analysis of a sample having shown that it bore excessive amounts of arsenical spray residue, to wit, 23 parts per million on the leaves and 5.5 parts per million on the petioles, the arsenic being calculated as arsenic trioxide.

On July 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18825. Misbranding of canned grapefruit juice. U. S. v. 293 Cases of Canned Grapefruit Juice. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26348. I. S. No. 28499. S. No. 4681.)

Samples of canned grapefruit juice from the shipment herein described having been found short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On May 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 293 cases of canned grapefruit juice, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Dillpako Packing & Canning Co., from Clearwater, Fla., on or about December 22, 1930, and had been transported from the State of Florida into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can label) "Dillpako Pure Grapefruit Juice Slightly Sweetened Contents 11 Oz. * * * Packed by Dillpako Packing & Canning Company, Inc., Clearwater, Fla."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 11 Oz.," was false and misleading and deceived and misled the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 23, 1931, the Dillpako Packing & Canning Co., Clearwater, Fla., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this department and

that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18826. Adulteration of cherries in brine. U. S. v. 149 Barrels, et al., of Cherries in Brine. Consent decrees ordering product released under bond. (F. & D. Nos. 26858, 26860. I. S. Nos. 22917, 22919. S. Nos. 4999, 5027.)

Samples of cherries in brine from the shipments herein described having been found to be rotten or moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On August 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 422 barrels of cherries in brine, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the W. G. Allen Fruit Co., Dundee, Oreg., in part on or about July 13, 1931, and in part on or about July 25, 1931, and had been transported from the State of Oregon into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 23, 1931, the Causse Manufacturing & Importing Co., New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees in accordance with the prayers thereof, judgments were entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of bonds totaling \$8,000, conditioned in part that it be sorted by hand so as to separate the good cherries and the sound cracked cherries that had no mold, from those which were unfit and decomposed, and that the said unfit and decomposed portion be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18827. Adulteration of cherries in brine. U. S. v. 222 Barrels of Cherries in Brine. Consent decree ordering product released under bond. (F. & D. No. 26861. I. S. No. 22918. S. No. 5028.)

Samples of cherries in brine from the shipment herein described having been found to be rotten and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On August 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 222 barrels of cherries in brine, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Hunt Bros. Packing Co., Salem, Oreg., on or about July 22, 1931, and had been transported from the State of Oregon into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 23, 1931, the Causse Manufacturing & Importing Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree in accordance with the prayer thereof, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it be sorted by hand so as to separate the good cherries and the sound cracked cherries that had no mold, from the unfit and decomposed portion, and that the said unfit and decomposed portion be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18828. Adulteration of cherries in brine. U. S. v. 300 Barrels of Cherries in Brine. Consent decree entered providing for release of product under bond. (F. & D. No. 26859. I. S. No. 22916. S. No. 5000.)

Samples of cherries in brine from the shipment herein described having been found to be rotten and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On August 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 barrels of cherries in brine, remaining in the original unbroken

packages at Jersey City, N. J., alleging that the article had been shipped by the Allen Fruit Co., Salem, Oreg., on or about July 23, 1931, and had been transported from the State of Oregon into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 14, 1931, the Causse Manufacturing & Importing Co., Jersey City, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree in accordance with the prayer thereof, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it be sorted by hand to separate the good cherries from those which were decomposed, and that the decomposed portion be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18829. Adulteration of tullibeas. U. S. v. 10 Boxes of Tullibeas. Default decree of destruction entered. (F. & D. No. 26711. I. S. No. 35674. S. No. 4864.)

Samples of tullibeas from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On June 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 boxes of tullibeas at Cleveland, Ohio, alleging that the article had been shipped by the Booth Fisheries Co., from Warroad, Minn., on or about June 20, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Booth Fisheries Co. * * * Warroad, Minn."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and in that it was a portion of an animal unfit for food.

On September 4, 1931, no claimant having appeared for the property, a decree was entered finding the product adulterated and subject to condemnation, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18830. Adulteration of tullibeas. U. S. v. 10 Boxes of Tullibeas. Default decree of destruction entered. (F. & D. No. 26782. I. S. No. 35681. S. No. 4901.)

Samples of tullibeas from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On July 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 boxes of tullibeas, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by the Warroad Fish Co., from Warroad, Minn., on or about June 22, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Warroad Fish Company, Warroad, Minn."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and in that it was a portion of an animal unfit for food.

On September 4, 1931, no claimant having appeared for the property, a decree was entered finding the product adulterated and subject to condemnation, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18831. Misbranding of feed. U. S. v. 150 Cases (Sacks) of Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26720. I. S. No. 15906. S. No. 4866.)

Samples of feed from the shipment herein described having been found to contain less protein than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of North Carolina.

On July 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 sacks of feed, remaining in the original unbroken packages at Monroe, N. C., alleging that the article had been shipped by the Shenandoah Milling Co., from Shenandoah, Va., on or about May 1, 1931, and had been transported from the State of Virginia into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sacks) "Blue Ridge Feed Analysis Protein 15% * * * Manufactured by Shenandoah Milling Company, Inc., Shenandoah, Virginia."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein 15%," was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained 15 per cent of protein, whereas it contained a less amount.

On August 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18832. Adulteration and misbranding of ground cardamon. U. S. v. Isidor Wertheimer (I. Wertheimer & Son). Plea of guilty. Fine, \$50. (F. & D. No. 26639. I. S. No. 020810.)

Samples of a product, purporting to be ground cardamon, having been found to consist of ground cardamon and ground ginger, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

At the September, 1931, term of the United States District Court aforesaid the United States attorney filed an information against Isidor Wertheimer, trading as I. Wertheimer & Son, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, on or about April 2, 1930, from the State of New York into the State of Michigan, of a quantity of ground cardamon which was adulterated and misbranded. The article was labeled in part: (Drum) "I. Wertheimer & Son, New York Pure Ground Cardamon."

It was alleged in the information that the article was adulterated in that a substance, ginger, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for pure ground cardamon, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Pure Ground Cardamon," borne on the drum containing the article, was false and misleading in that the said statement represented that the article consisted solely of pure ground cardamon; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted solely of pure ground cardamon; whereas it did not so consist, but was a product consisting of a mixture of ground cardamon and ground ginger. Misbranding was alleged for the further reason that the article was a mixture composed in part of ground ginger and was offered for sale under the distinctive name of another article.

On September 24, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18833. Adulteration of canned salmon. U. S. v. 194 Cases of Canned Salmon. Decree of condemnation entered. Product released under bond. (F. & D. No. 26870. I. S. No. 22327. S. No. 5057.)

Samples of canned salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On August 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 194 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Hood Bay Canning Co., Hood Bay, Alaska, on or about August 27, 1930, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On August 26, 1931, the Hood Bay Canning Co., Hood Bay, Alaska, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered. The claimant having paid

all costs and having filed a bond in the sum of \$1,200, conditioned that the product should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or the laws of any State, Territory, district, or insular possession, it was ordered by the court that the product be delivered to the said claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18834. Adulteration and misbranding of alimentary paste. U. S. v. 298 Cases of Alimentary Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26456. I. S. No. 29010. S. No. 4746.)

Examination of samples of alimentary paste from the shipment herein described having shown that the article was artificially colored to simulate an egg product, whereas it contained little or no egg, also that the cases contained less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On May 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 298 cases of alimentary paste, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Fulton Macaroni Co., from Jersey City, N. J., in various consignments, on or about April 20, April 27, April 28, May 2, and May 5, 1931, and had been transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part, variously: "Broad 10 Lbs. Net 34;" "Twisted Vermicelli 12 Lbs. Net;" "Farfelle 12 Lbs. Net;" "Medie 10 Lbs. Net Medium 10 Lbs. Net;" "Fulton Macaroni Co., Jersey City, N. J. Fine 10 Lbs. Net."

It was alleged in the libel that the article was adulterated in that a substance deficient in egg and artificially colored had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality or strength, and had been substituted for egg alimentary paste, which the article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to egg alimentary paste and was artificially colored with turmeric, so as to simulate the appearance of egg alimentary paste, and in a manner whereby its inferiority to egg alimentary paste was concealed.

Misbranding was alleged for the reason that the statements, "Broad 10 Lbs. Net," "Vermicelli 12 Lbs. Net," "Farfelle 12 Lbs. Net," "Medie 10 Lbs. Net," and "Fine 10 Lbs. Net," borne on the cases containing the article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated thereon was incorrect. Misbranding was alleged for the further reason that the article was deficient in egg, and artificially colored in imitation of egg alimentary paste, and was offered for sale and sold under the distinctive name of another article.

On June 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18835. Adulteration and misbranding of frozen eggs. U. S. v. 1,284 Cans, et al., of Frozen Eggs. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 26909. I. S. Nos. 30838 to 30842, incl. S. No. 5093.)

Samples of frozen eggs from the shipments herein described having been found to contain undeclared added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On August 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6,574 cans of frozen eggs, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the W. B. Parrott Co., from Manning, Iowa, in various consignments, on or about March 31, April 4, April 10, April 14, and April 22, 1931, and had been transported from the State of Iowa into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Frozen 30 Lbs. Net Fleischmann's Spring Laid Eggs Distributed By Standard Brands Incorporated, New York City."

It was alleged in the libels that the article was adulterated in that an added undeclared substance, sugar, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the can label, "Eggs," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

On August 24, 1931, Standard Brands (Inc.), New York, N. Y., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be relabeled under the supervision of this department, and that it should not be sold or otherwise disposed of contrary to the laws of the United States, or any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18836. Adulteration and misbranding of canned oysters. U. S. v. 45 Cases of Canned Oysters. Consent decree of condemnation. Product released under bond. (F. & D. No. 26802. I. S. No. 11168. S. No. 4953.)

Samples of canned oysters from the shipment herein described having been found to contain excessive brine, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On July 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 cases, each containing 24 cans of oysters, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Louisiana Oyster & Fish Co., from Houma, La., on or about June 4, 1931, and had been transported from the State of Louisiana into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "10 Oz. Oysters Order Notify General Grocery Co. Portland, Ore."

It was alleged in the libel that the article was adulterated in that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for normal oysters of good commercial quality.

Misbranding was alleged for the reason that the statement on the label, "Ten Oz. Oysters," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On August 18, 1931, the General Grocery Co., Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be relabeled in a manner satisfactory to this department, and should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18837. Adulteration and misbranding of cane sirup. U. S. v. 129 Cases of Lucky Strike Sirup and Louisiana Maid Cane Sirup. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26496. I. S. Nos. 24315, 24316. S. No. 4807.)

Examination of samples of cane sirup from the shipment herein described having shown that the article contained added molasses and that the cans contained less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On or about June 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 129 cases of cane sirup at Vicksburg, Miss., alleging that the article had been shipped by Chauvin Bros. Preserving Co., from Burnside, La., on or about April 22, 1931, and had been transported from the State of Louisiana into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Can) "Lucky Strike Pure Open Kettle Sugar

Cane Syrup Contents 3 Qts. 8 Fl. Oz." The remainder of the said article was labeled in part: (Can) "Louisiana Maid Pure Cane Syrup * * * made from the Pure Juice of the Sugar Cane * * * Contents 3 Quarts 7 Fluid Ounces."

It was alleged in the libel that the article was adulterated in that a substance, molasses, had been substituted in part for the said article, so as to reduce, lower, and injuriously affect its quality.

Misbranding was alleged for the reason that the statements on the labels of the cans, "Contents 3 Qts. 8 Fl. Oz." and "3 Quarts 7 Fluid Ounces," and "Pure Cane Syrup * * * made from the Pure Juice of the Sugar Cane," were false and misleading, and deceived and misled the purchaser in that the said statements were applied to an article short of the declared contents, and which was composed in part of another and different substance than that named on the label, to wit, molasses. Misbranding was alleged for the further reason that the article was composed in part of molasses and was offered for sale under the distinctive name of another article, namely, sugar cane sirup. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, in that the amount stated on the label was greater than the actual contents of the packages.

On September 16, 1931, the Planters Syrup Co., New Orleans, La., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled to show the correct weight and contents, and that it should not be sold or disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18838. Misbranding of butter. U. S. v. Mistletoe Creameries (Inc.). Plea of guilty. Fine, \$25. (F. & D. No. 26621. I. S. Nos. 504, 506, 520, 582.)

Sample packages of butter from the shipments herein described having been found to contain less than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On September 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Mistletoe Creameries (Inc.), trading at El Paso, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments on or about August 21, September 4, and September 11, 1930, from the State of Texas into the State of New Mexico, of quantities of butter which was misbranded. A portion of the article was labeled in part: "Mistletoe Creamery Butter Four Quarters * * * Manufactured by Mistletoe Creameries, Inc., El Paso, Texas, One Pound Net." The remainder of the said article was labeled in part: "Extra Fancy Mistletoe Creamery Butter * * * Mistletoe Creameries, Inc., El Paso, Texas, Four Ounces Net."

It was alleged in the information that the article was misbranded in that the statements, to wit, "One Pound Net," with respect to a portion of the product, and the statement, to wit, "Four Ounces Net," with respect to the remainder thereof, borne on the labels, were false and misleading in that the said statements represented that each of the packages contained 1 pound net, or 4 ounces net, as the case might be, of butter; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net, or 4 ounces net, as the case might be, of butter; whereas each of the said packages did not contain the amount declared on the label, but did contain in each of practically all of the said packages, less than so labeled. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On September 12, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18839. Misbranding of butter. U. S. v. Midwest Dairies (Inc.) (Desert Gold Dairies (Inc.)). Plea of guilty. Fine, \$25. (F. & D. 26614. I. S. No. 524.)

Sample cartons of butter from the shipment herein described having been found to contain less than 1 pound net, the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On September 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Midwest Dairies (Inc.), a corporation, having a place of business at El Paso, Tex., alleging shipment by said company, trading as the Desert Gold Dairies (Inc.), on or about September 6, 1930, from the State of Texas into the State of New Mexico, of a quantity of butter which was misbranded. The article was labeled in part: (Carton) "1 Pound Net Desert Gold Creamery Butter * * * Desert Gold Dairies, Inc."

It was alleged in the information that the article was misbranded in that the statement "1 Pound Net," borne on the carton, was false and misleading in that the said statement represented that each of the said cartons contained 1 pound of butter; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cartons contained 1 pound of butter; whereas each of the cartons did not contain 1 pound of the article, but did contain, in each of practically all of the cartons, less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than represented.

On September 12, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18840. Adulteration of shell eggs. U. S. v. 172 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27142. I. S. No. 36509. S. No. 5124.)

Samples of eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about August 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 172 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Herbert Schultz and Ervin Kroening, from Springfield, Minn., July 30, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 5, 1931, Karsten & Sons, Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reselected under the supervision of this department, and should not be sold or disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18841. Adulteration and misbranding of canned salmon. U. S. v. 180 Cases, et al., of Canned Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 25157. I. S. Nos. 1181, 1182. S. No. 3426.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 19, 1930, and June 17, 1931, respectively, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 203 cases of canned pink salmon, remaining in the original unbroken packages at Seattle, Wash., alleging

that the article had been shipped from Cordova, Alaska, by the Cordova Packing Co., into the State of Washington, arriving at Seattle, Wash., on or about July 24, 1930, and charging adulteration and misbranding in violation of the food and drugs act. The cases containing the article were labeled in part: "Col. River."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

Misbranding was alleged for the reason that the designation on the cases, "Col. River," was false and misleading and deceived and misled the purchaser when applied to salmon packed in Alaska.

On June 2 and September 25, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18842. Adulteration of canned blackberries. U. S. v. 1,095 Cases, et al., of Canned Blackberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26136, 26137, 26138. I. S. Nos. 12240, 21772, 21812. S. No. 4341.)

Samples of canned blackberries from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On March 30 and March 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,635 cases of canned blackberries, remaining in the original unbroken packages at Denver, Colo., consigned by C. D. Minton (Inc.), Forest Grove, Oreg., alleging that the article had been shipped from Forest Grove, Oreg., in part on or about September 4, 1930, and in part on or about December 30, 1930, and had been transported from the State of Oregon into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Minton's Blackberries. Packed by C. D. Minton, Inc., Forest Grove, Oregon."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On September 15, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18843. Adulteration and misbranding of meat meal. U. S. v. Mutual Rendering Co. (Inc.). Plea of guilty. Fine, \$250. (F. & D. No. 25727. I. S. No. 028312.)

Samples of meat meal having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On June 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Mutual Rendering Co. (Inc.), a corporation, trading at Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about April 1, 1930, from the State of Pennsylvania into the State of New Jersey, of a quantity of meat meal which was adulterated and misbranded. The article was labeled in part: "100 Lbs. 55% Mureco Meat Meal Guaranteed Analysis Protein Min. 55% * * * Manufactured by Mutual Rendering Co., Philadelphia, Pa."

It was alleged in the information that the article was adulterated in that a substance, meat meal containing less than 55 per cent of protein, had been substituted for meat meal containing not less than 55 per cent of protein, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "55% Mureco Meat Meal, Guaranteed Analysis Protein Min. 55%," borne on the bags containing the article, were false and misleading in that the said statements represented that the article contained not less than 55 per cent of protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 55 per cent of protein, whereas it contained less than 55 per cent of protein.

On September 29, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18844. Adulteration and misbranding of fruit pectin jellies. U. S. v. 68 Cases of Fruit Pectin Jellies. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26193. I. S. Nos. 14563, 14564, 14565, 14566. S. No. 4504.)

Samples of fruit pectin jellies from the shipments herein described having been found to contain little, if any, fruit juice, and to be short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On April 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 68 cases, each containing 24 glasses of fruit pectin jellies, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the C. H. Musselman Co., from Biglerville, Pa., in part on or about June 26, 1930, and in part on or about August 21, 1930, and had been transported from the State of Pennsylvania into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Musselman's Brand Fruit Pectin Grape [or "Raspberry," "Strawberry," or "Currant"] Jelly Manufactured by The C. H. Musselman Co., Biglerville, Pa., Net Contents 16 Ounces."

It was alleged in the libel that the article was adulterated in that a substance deficient in fruit juice, in that it contained but a slight and negligible quantity, if any, of fruit juice, had been substituted for the said article.

Misbranding was alleged for the reason that the following statements, (all flavors) "Net Contents 16 ounces," and "Fruit Pectin Grape Jelly," "Fruit Pectin Raspberry Jelly," "Fruit Pectin Strawberry Jelly" or "Fruit Pectin Currant Jelly," together with the design or device showing cuts of grapes, raspberries, strawberries, or currants, as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser when applied to an article containing but a slight and negligible quantity, if any, of the juice of the fruits named. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles; and for the further reason that they were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct.

On September 1, 1931, the C. H. Musselman Co., Biglerville, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled, and should not be sold or disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18845. Adulteration of fish (bluefins). U. S. v. 4 Boxes of Fish (Bluefins). Default decree of destruction entered. (F. & D. No. 26902. I. S. No. 25824. S. No. 5086.)

Samples of fish (bluefins) from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Kentucky.

On August 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four boxes of fish (bluefins), remaining in the original packages at Covington, Ky., consigned by the Hogstad Fish Co., Duluth, Minn., August 15, 1931, alleging that the article had been shipped in interstate commerce from Duluth, Minn., into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

On August 24, 1931, no claimant having appeared for the property and the court having found that the product was spoiled and unfit for human consumption, a decree was entered ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18846. Misbranding of tankage. U. S. v. 36 Tons of Unground Dry Rendered Tankage. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 27113. I. S. No. 23807. S. No. 5006.)

Samples of tankage from the shipment herein described having been found to contain excessive animal hoof and horn, the matter was reported to the United States attorney for the District of Kansas by authority of the Secretary of Agriculture.

On July 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 tons of so-called unground dry rendered tankage at Kansas City, Kans., alleging that the article had been shipped by the Riverdale Products Co., Chicago, Ill., on or about July 9, 1931, and had been transported from the State of Illinois into the State of Kansas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained excessive animal hoof and horn, whereby its value as food was materially and unlawfully reduced.

On August 7, 1931, the Apache Packing Co., San Antonio, Tex., having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be condemned, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or offered for sale in violation of any existing law, and that it be disposed of as fertilizer, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18847. Misbranding of meat scraps. U. S. v. Five Hundred 100-lb. Bags of Meat Scraps. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 27114. I. S. No. 23808. S. No. 4868.)

Examination of the consignment of meat scraps herein described having shown that the packages (bags) failed to bear a plain and conspicuous statement of the quantity of the contents thereof, the matter was reported to the United States attorney for the District of Kansas by authority of the Secretary of Agriculture.

On July 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five hundred 100-pound bags of meat scraps at Kansas City, Kans., alleging that the article had been shipped by the Riverdale Products Co., from Calumet City, Ill., on or about July 17, 1931, and had been transported from the State of Illinois into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. The article was unlabeled.

It was alleged in the libel that the article was misbranded in that the bags contained no mark, brand, or label of any kind showing the net weight of the product.

On August 8, 1931, the Riverdale Products Co., Chicago, Ill., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold in violation of any existing law, and that it be labeled to show the true contents and weight.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18848. Adulteration of shell eggs. U. S. v. 101 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27146. I. S. No. 25197. S. No. 5048.)

Samples of eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about July 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 101 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Southern Wisconsin Produce Co., from Madison, Wis., July 21, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and

charging adulteration in violation of the food and drugs act. The article was labeled in part: (Stenciled on case) "Dirties;" (tag) "Southern Wisconsin Produce Company, Madison, Wis. Schalla & O'Neill, Chicago."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On August 26, 1931, the Schalla & O'Neill Co., Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be candled under the supervision of this department, and should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or other existing law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18849. Misbranding of feed. U. S. v. 25 Sacks of Blue Ridge Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26491. I. S. No. 27516. S. No. 4784.)

Examination of samples of feed from the shipment herein described having shown that the article contained less protein than declared on the label, also that the packages failed to bear a plain and conspicuous statement of the quantity of the contents, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of North Carolina.

On June 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 sacks of feed, remaining in the unbroken packages at Henderson, N. C., alleging that the article had been shipped by the Shenandoah Milling Co., Shenandoah, Va., May 5, 1931, and had been transported from the State of Virginia into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Shenandoah Milling Co., Shenandoah, Va., Blue-Ridge Feed * * * Protein 15%."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein 15%," was false and misleading and deceived and misled the purchaser, since analysis of a sample showed that it was deficient in protein. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of contents.

On September 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18850. Adulteration of herring. U. S. v. 2 Boxes of Herring. Default decree of destruction entered. (F. & D. No. 26899. I. S. No. 37309. S. No. 5085.)

Samples of herring from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On August 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two boxes of herring at Cincinnati, Ohio, alleging that the article had been shipped by the Booth Fisheries Co., Duluth, Minn., on or about August 15, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was infested with triaenophori (worms) and consisted wholly or partly of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

On September 2, 1931, no claimant having appeared for the property, and the court having found that the product was spoiled and unfit for human consumption, a decree was entered, nunc pro tunc as of August 20, 1931, ordering that the said product be destroyed by the United States marshal.

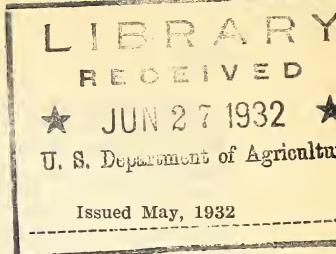
ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18851-18925

[Approved by the Secretary of Agriculture, Washington, D. C., May 9, 1932]

18851. Adulteration and misbranding of linseed meal and beef scrap, and misbranding of beef and bone scrap. U. S. v. Consolidated By-Product Co. Plea of guilty. Fine, \$50. (F. & D. No. 26534. I. S. Nos. 015260, 015262, 015264, 015272, 028182, 028192, 028306, 028329, 18551, 18556.)

The products covered by the interstate shipments herein described consisted of linseed meal, beef scrap, and beef and bone scrap. One consignment of the linseed meal contained animal matter and was low in fat and high in fiber; the remainder of the linseed meal contained less protein than declared and of these, certain lots were also low in fat. The beef and bone scrap contained less protein than declared, and the so-called beef scrap was found to consist in part of ground fish.

On August 10, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Consolidated By-Product Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, between the dates of March 4, 1930 and August 2, 1930, from the State of Pennsylvania into the States of Virginia, Delaware, New Jersey, and Maryland of quantities of linseed meal, which was misbranded and a portion of which was also adulterated; on or about March 27, 1930, from the State of Pennsylvania into the State of Delaware of a quantity of beef and bone scrap which was misbranded; and on or about October 11, 1930, from the State of Pennsylvania into the State of Maryland of a quantity of beef scrap that was adulterated and misbranded. The linseed meal was labeled in part: "Linseed Meal Guaranteed Analysis Protein 34% Min. [or "32.0% Min."] Fat 6.2% Min. Fiber 8.4% Max. Manufactured by Consolidated By-Product Co. * * * Philadelphia." The beef and bone scrap was labeled in part: "Consolidated Beef & Bone Scrap Guaranteed Analysis Protein 50% Min. * * * Manufactured by Consolidated By-Product Co. * * * Phila." The beef scrap was labeled in part: "Consolidated Beef Scrap Guaranteed Analysis Protein 50% Min."

Adulteration was alleged in the information with respect to one lot of the linseed meal for the reason that a product composed in part of bone, dried blood, and flesh tissue had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted for linseed meal, which the article purported to be. Adulteration of the so-called beef scrap was alleged for the reason that a product composed in part of ground fish had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for beef scrap which the said article purported to be.

Misbranding of the said one lot of linseed meal was alleged for the reason that the statements, to wit, "Linseed meal" and "Guaranteed Analysis * * * Fat 6.2% Min., Fiber 8.4% Max.," borne on the tags attached to the sacks containing the article, were false and misleading in that the said statements represented that the article consisted wholly of linseed meal and that it contained not less than 6.2 per cent of fat and not more than 8.4 per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of linseed meal and contained not less than 6.2 per cent of fat and not more than 8.4 per cent of fiber; whereas the article did not consist wholly of linseed meal but did consist in part of bone, dried blood, and flesh tissue, and it contained less fat and more fiber than declared, namely, approximately 4.06 per cent of fat, and approximately 9.99 per cent of fiber. Misbranding was alleged with respect to the remaining lots of linseed meal for the reason that the statements, "Guaranteed Analysis Protein 34% Min. [or 32.0% Min.], Fat 6.2% Min.," were false and misleading in that the said statements represented that the article contained the amounts of protein and fat declared on the label; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the amounts of protein and fat declared; whereas it did not, the 6 lots of linseed meal labeled as containing 34 per cent of protein having been found to contain approximately 30.88, 29.52, 29.52, 32.60, 29.81 and 30.26 per cent, respectively, of protein, while 3 of the said 6 lots contained 5.68, 5.17, and 5.48 per cent, respectively of fat, instead of the 6.2 per cent declared. One lot of the linseed meal labeled as containing 32 per cent of protein was found to contain approximately 29.66 per cent of protein. Misbranding of the said beef scrap was alleged for the reason that the statement "Consolidated Beef Scrap," borne on the label, was false and misleading in that the said statement represented that the article consisted wholly of beef scrap; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of beef scrap; whereas it did not so consist, but did consist in part of ground fish. Misbranding of said beef scrap was alleged for the further reason that it was a product composed in part of ground fish and was offered for sale and sold under the distinctive name of another article, to wit, Consolidated beef scrap. Misbranding of the said beef and bone scrap was alleged for the reason that the statement, "Guaranteed Analysis, Protein 50% Min.," was false and misleading in that it represented that the article contained not less than 50 per cent of protein, whereas it contained approximately 46 per cent of protein.

On September 29, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18852. Adulteration of herring. U. S. v. 500 Pounds of Herring. Default decree of destruction entered. (F. & D. No. 26994. I. S. No. 40943. S. No. 5216.)

Samples of herring from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On September 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 500 pounds of herring at Cincinnati, Ohio, alleging that the article had been shipped by the Lake Superior Fish Co., Duluth, Minn., on or about September 19, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

On October 7, 1931, no claimant having appeared for the property, and the court having found that the product was spoiled and unfit for human consumption, a decree was entered, nunc pro tunc as of September 24, 1931, ordering that the article be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18853. Adulteration of blueberries. U. S. v. 2 Crates of Fresh Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26897. I. S. No. 34509. S. No. 5087.)

Samples of fresh blueberries from the shipment herein described having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On August 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two crates of fresh blueberries at New York, N. Y., alleging that the article had been shipped by E. V. Bates from South Brookfield (Brooksville), Me., on or about August 16, 1931, and had been transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From E. V. Bates, South Brooksville, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18854. Adulteration of blueberries. U. S. v. 3 Crates of Fresh Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26896. I. S. No. 34472. S. No. 5087.)

Samples of fresh blueberries from the shipment herein described having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On August 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three crates of fresh blueberries at New York, N. Y., alleging that the article had been shipped by Arthur Jones from Sargeantville, Me., on or about August 16, 1931, and had been transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From Arthur Jones South Brooksville, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18855. Misbranding of canned peas. U. S. v. 98 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26868. I. S. No. 37818. S. No. 5039.)

Examination of samples of canned peas from the shipment herein described having shown that the article was below the standard for canned peas promulgated by the Secretary of Agriculture, and that the label failed to bear a statement showing that it fell below such standard, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On August 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 98 cases of canned peas, remaining in the original unbroken packages at Lebanon, Pa., alleging that the article had been shipped by the Torsch-Stevenson Corporation, from Milford, Del., on or about July 9, 1931, and had been transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Cow Boy Brand Early June Peas * * * The Torsch-Stevenson Corp. Distributors Baltimore, Md."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition and/or fill of container, promulgated by the Secretary of Agriculture for such canned food, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that such canned food fell below such standard.

On September 2, 1931, the Torsch-Stevenson Corporation, Baltimore, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled in accordance with the law applicable thereto, and should not be sold or disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18856. Misbranding of orange juice. U. S. v. 52 Cans of Orange Juice
Default decree of destruction entered. (F. & D. No. 26932. I. S. No. 21167. S. No. 5139.)

Samples cans of orange juice from the shipment herein described having been found to contain less than the volume declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Georgia.

On September 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 52 cans of orange juice, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by Charles F. Matilage & Sons (Inc.), New York, N. Y., on or about July 8, 1931, and had been transported from the State of New York into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Honey Moon Brand 100% Pure Orange Juice Contents Not less than 56 Fl. Oz. * * * Florida Citrus Products Corporation, Lakeland, Fla.—Charles F. Matilage & Sons, Inc., New York City, Sole Distributors."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Contents Not less than 56 Fl. Oz.," was false and misleading and deceived and misled the purchaser, since the cans contained a smaller quantity of the said article than so represented. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement represented that the cans contained more than was actually contained therein.

On September 29, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18857. Misbranding of canned orange juice. U. S. v. 175 Cases of Canned Orange Juice. Consent decree of condemnation and forfeiture.
Product released under bond. (F. & D. No. 26829. I. S. No. 22306. S. No. 5005.)

Sample cans of orange juice from the shipment herein described having been found to contain less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On August 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 175 cases of canned orange juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Florida Citrus Exchange, Tampa, Fla., on or about June 2, 1931, and had been transported from the State of Florida into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Floriorange Orange Juice * * * Contents 1 pint 4 Fl. Oz. Floriorange Canneries, Inc., Main Office Mount Dora Fla."

It was alleged in the libel that the article was misbranded in that the statement, "Contents 1 pint 4 Fl. Oz.," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated was incorrect.

On October 10, 1931, the Floriorange Canneries (Inc.), Mount Dora, Fla., claimant, having admitted the allegations of the libel and having consented

to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it should not be disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession, and further conditioned that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18858. Adulteration of canned shrimp. U. S. v. 9 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26708. I. S. No. 11844. S. No. 4846.)

Samples of canned shrimp from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On or about June 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine cases of canned shrimp, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Pelican Lake Oyster & Packing Co., from Houma, La., on or about November 27, 1930, and had been transported from the State of Louisiana into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pel-La-Co Fancy La. Shrimp * * * Pelican Lake Oyster & Packing Co., Houma, La."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18859. Adulteration and misbranding of canned tuna. U. S. v. Cohn-Hopkins (Inc.). Plea of guilty. Fine, \$50. (F. & D. No. 26574. I. S. Nos. 5213, 5214.)

Samples of canned tuna from the shipment herein described having been found to contain fish other than tuna, namely, bonita, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On August 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Cohn-Hopkins (Inc.), a corporation, alleging shipment by said company, in violation of the food and drugs act, on or about August 15, 1930, from the State of California into the State of Pennsylvania, of a quantity of canned tuna that was adulterated and misbranded. The article was labeled in part: "Sun Harbor Brand Tuna Packed by Cohn-Hopkins, Inc. * * * San Diego, Calif. * * * Light Meat Tuna."

It was alleged in the information that the article was adulterated in that bonita fish had been substituted for tuna fish, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Tuna," borne on the label, was false and misleading in that the said statement represented that the article consisted wholly of tuna; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of tuna, whereas it did not so consist, but did consist in whole and in part of bonita.

On September 18, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18860. Adulteration and misbranding of canned grapefruit juice. U. S. v. 130 Cases, et al., of Canned Grapefruit Juice. Consent decree providing for release of the product under bond. (F. & D. Nos. 26886, 26887, 26890. I. S. No. 21426. S. No. 5072.)

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the article contained undeclared added sugar and that the cans were short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On August, 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 370 cases of canned grapefruit juice, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Nassau Packing Co., from Jacksonville, Fla., on or about July 15, 1931, and had been transported from the State of Florida into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Florida Chief Brand Grapefruit Juice Contents 1 pt. 2 fl. oz. Packed by the Grapefruit Packing Co. S. S. Goffin, Jacksonville, Florida."

It was alleged in the libels that the article was adulterated in that an undeclared added substance, to wit, sugar, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Grapefruit Juice" and "Contents 1 pt. 2 fl. oz.," borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of contents, since the quantity stated was incorrect.

On September 18, 1931, George G. Hamilton and Charles A. Rausher, jr., trading as Hamilton & Rausher, Los Angeles, Calif., claimants, having admitted the allegations of the libels and having consented to the entry of a decree, and the cases having been consolidated into one cause of action, judgment was entered ordering that the product be released to the said claimant under bond in the amount of \$600. On October 7, 1931, the product having been relabeled in manner satisfactory to this department, it was ordered by the court that the bond be exonerated and that the order of release be made permanent upon payment of all costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18861. Misbranding of canned grapefruit juice and canned orange juice. U. S. v. 537 Cases of Grapefruit Juice, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 26786. I. S. Nos. 33891, 33895, 33896. S. No. 4898.)

Sample cans of grapefruit juice and orange juice from the shipment herein described having been found to contain less than the volume declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On July 11, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 537 cases of canned grapefruit juice and 25 cases of canned orange juice, remaining in the original packages at Brooklyn, N. Y., alleging that the articles had been shipped by Tugwell & Wiseman (Inc.), Tarpon Springs, Fla., on or about May 19, 1931, and had been transported from the State of Florida into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

A portion of the grapefruit juice was labeled in part: (Can) "Sunbeam Grapefruit Juice * * * Austin Nichols & Co., Inc., Distributors, New York, N. Y. U. S. A. Sunbeam Pure Food Natural Grapefruit Juice Slightly Sweetened * * * Contents 10 Fl. Ozs." The remainder of the grapefruit juice and the orange juice were labeled in part: (Can) "Sunbeam Pure Food Natural Grape Fruit Juice [or "Orange Juice"] Slightly Sweetened * * * Austin, Nichols & Co., Inc., Distributors, New York, N. Y. U. S. A. Contents 1 Quart, 1 Pint, 8 Ounces."

It was alleged in the libel that the articles were misbranded in that the statements on the labels, "Contents 10 Fl. Ozs." or "Contents 1 Quart, 1 Pint 8 Ounces," were false and misleading and deceived and misled the purchaser when applied to articles short of the volume declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were not correct. Misbranding was alleged with respect to a portion of the grapefruit juice for the reason that the designation "Grapefruit Juice," appearing on the main panel of the label, was false and misleading and deceived and misled the purchaser when applied to grapefruit juice containing added sugar.

On July 21, 1931, Austin, Nichols & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be relabeled under the supervision of this department, and that it be disposed of only in compliance with the law, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18862. Adulteration and misbranding of flour. U. S. v. 83 Bags, et al., of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 26420, 26421, 26442. I. S. Nos. 26484, 26481, 26488. S. Nos. 4694, 4698, 4708.)

Examination of samples of flour from the shipments herein described having shown that portions of the article contained a large amount of rye flour and that the remainder contained added phosphate, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Kentucky.

On May 20 and May 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 296 bags or sacks of flour, remaining in the original packages in various lots at Rockholds, Whitesburg, and Corbin, Ky., respectively, consigned by the Gwinn Milling Co., Columbus, Ohio, between the dates of March 28, 1931 and April 13, 1931, alleging that the article had been shipped from Columbus, Ohio, and had been transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, variously: "Phosphated, Bleached * * * Superlative Silver Leaf Flour, Manufactured by The Gwinn Milling Co., Columbus, Ohio;" "Gwinn's Wizard Flour, The Gwinn Milling Company, Columbus, Ohio. Bleached;" "Phosphated Bleached * * * The Yellow Front Stores Golden Dawn * * * Family Flour The Yellow Front Stores, Whitesburg, Ky. Distributors."

Adulteration was alleged in the libels filed with respect to the Silver Leaf and Golden Dawn brands, for the reason that rye flour had been mixed and packed therewith so as to injuriously affect its quality, and had been substituted partly for the said article; and for the further reason that the article was mixed in a manner whereby inferiority was concealed. Adulteration was alleged with respect to the Wizard brand flour for the reason that a substance, flour containing added phosphate, had been substituted in whole or in part for the article.

Misbranding was alleged with respect to all lots of the article for the reason that the statement "Flour," borne on the labels, was false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

On October 20, 1931, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18863. Misbranding and alleged adulteration of canned grapefruit juice. U. S. v. 100 Cases, et al., of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26813. I. S. Nos. 22304, 22305. S. No. 4974.)

Samples of canned grapefruit juice from the shipment herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On or about July 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 cases of canned grapefruit juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Florida Citrus Exchange, Tampa, Fla., on or about June 2, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Sealdsweet Brand Fancy Floridas Pure Finest Grapefruit Juice * * * Packed and Sold by the Florida Citrus Exchange, Tampa, Florida."

It was alleged in the libel that the article was adulterated in that an added undeclared substance, to wit, sugar, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Pure * * * Grapefruit Juice," was false and misleading and deceived and misled the purchaser when applied to an article containing added undeclared sugar. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 10, 1931, the Florida Citrus Exchange, Tampa, Fla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, or the deposit of cash collateral in like amount, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession, and that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18864. Adulteration and misbranding of butter. U. S. v. Paul A. Schulze Co. Plea of guilty. Fine, \$125 and costs. (F. & D. No. 25703. I. S. Nos. 027654, 027663, 027665, 027697, 028001.)

Examination of samples of butter from the shipments herein described showed that portions of the article were short of the declared weight, and that portions contained less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On May 18, 1931, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Paul A. Schulze Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, from the State of Missouri into the State of New York, on or about March 5, March 12, and March 17, 1930, of quantities of butter which was adulterated, and on or about March 17 and March 24, 1930, of quantities of butter which was misbranded. A portion of the article was labeled in part: (Carton) "Clover Springs Creamery Butter One Pound Net * * * Paul A. Schulze Company, St. Louis, Missouri." The remainder of the said article was labeled in part: (Carton) "Blue Ribbon Brand Creamery Butter * * * One Pound Net * * * David W. Lewis & Company, New York."

It was alleged in the information that portions of both brands of butter were adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to the remaining portions involving both brands of butter for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the packages contained 1 pound net of butter; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of butter; whereas the packages in the said portion did not contain 1 pound net of butter, but did contain a less amount.

On October 7, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$125 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18865. Adulteration and misbranding of canned frozen egg yolks. U. S. v. 39 Cans of Frozen Eggs. Product ordered released under bond to be relabeled. (F. & D. No. 26206. I. S. No. 28338. S. No. 4529.)

Samples of canned frozen egg yolks from the shipment herein described having been found to contain undeclared added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On April 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and con-

demnation of 39 cans of frozen egg yolks, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Omaha Cold Storage Co., from Omaha, Nebr., on or about March 2, 1931, and had been transported from the State of Nebraska into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Jarel Egg Yolks."

It was alleged in the libel that the article was adulterated in that a substance, sugar, had been substituted partly for the said article.

Misbranding was alleged for the reason that the statement on the label, "Egg Yolks," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

The Omaha Cold Storage Co., Omaha, Nebr., filed a claim and answer admitting that the product was improperly labeled and that it was subject to forfeiture and condemnation, and praying permission to relabel the goods. On April 28, 1931, the court ordered that the product be released to the claimant for the purpose of relabeling it in accordance with the requirements of this department, upon the execution of a bond in the sum of \$500. On May 25, 1931, claimant having paid costs and having relabeled the product so that it was salable under the Federal food and drugs act, the court ordered that the goods be released and the bond canceled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18866. Adulteration of canned tomato puree. U. S. v. 2,000 Cases, et al., of Tomato Puree. Consent decrees entered. Portion of product released to claimant. Remainder ordered condemned, forfeited, and destroyed. (F. & D. Nos. 26735, 26787. I. S. Nos. 11719, 11721. S. Nos. 4883, 4909.)

Samples of canned tomato puree from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On July 6 and July 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 2,300 cases of tomato puree, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Rocky Mountain Packing Co., from Salt Lake City, Utah, in part on or about January 3, 1931, and in part on or about February 10 and May 26, 1931, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Golden Rey Brand Tomato Puree Packed for Pacific Wholesale Grocery Co., Los Angeles."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On September 17, 1931, examination having shown that the product consisted of two separable lots, one of which was unadulterated and one of which was adulterated, and the United States attorney and the claimant having entered into a stipulation to the effect that the unadulterated portion be released and the remainder condemned, the court ordered that the good portion be released to the said claimant, the Pacific Wholesale Grocery Co., Los Angeles, Calif. On October 3, 1931, judgments of condemnation and forfeiture were entered with respect to the adulterated portion, consisting of 1,196 cases, and it was ordered by the court that the said portion be destroyed by the United States marshal, and that claimant be taxed all costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18867. Adulteration and misbranding of canned minced clams. U. S. v. 8 Cases of Minced Clams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26493. I. S. No. 22230. S. No. 4790.)

Samples of canned minced clams from the shipment herein described having been found to contain excessive brine, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On June 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight cases of canned minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped

by the Ocean Park Packing Co., from Ocean Park, Wash., on or about April 24, 1931, and had been transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Ocean Park Brand Willapa Bay Minced Clams."

It was alleged in the libel that the article was adulterated in that brine and clam nectar had been substituted in part for normal minced clams of good commercial quality.

Misbranding was alleged for the reason that the statement "Minced Clams," borne on the label, was false and misleading and deceived and mislead the purchaser when applied to a product containing excessive brine.

On October 5, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18868. Adulteration and misbranding of beef scrap. U. S. v. William J. Smith and Thomas J. Smith (Enterprise Tallow & Grease Co.).
Pleas of guilty. Fine, \$50. (F. & D. No. 26572. I. S. Nos. 011078, 011081, 011082, 011083.)

Examination of samples of beef scrap from the shipments herein described having shown that the article contained less protein than declared on the labels, also that portions consisted of meat and bone scrap containing more phosphoric acid than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On August 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against William J. Smith and Thomas J. Smith, copartners, trading as Enterprise Tallow & Grease Co., Philadelphia, Pa., alleging shipment by said defendants, in violation of the food and drugs act, from the State of Pennsylvania into the State of Maryland, in various consignments, on or about January 15, April 10, April 21, April 25, and April 30, 1930, of quantities of beef scrap and ground beef scrap, which were misbranded, and a portion of which was adulterated. A portion of the article was labeled in part: "Enterprise's Del-Mar-Va Ground Beef Scrap For Poultry Protein Min. 55% [or "50%"] * * * Phos. Acid Max 10%, Manufactured by Enterprise Tallow & Grease Co. Philadelphia, Pa." The remainder of the said article was labeled in part: "50% Enterprise Beef Scrap Analysis Protein Min. 50% * * * Manufactured by Enterprise Tallow & Grease Co. Philadelphia, Pa."

Adulteration was alleged in the information with respect to portions of the article for the reason that a product composed in large part of meat and bone scrap, which was deficient in protein and which contained excessive phosphoric acid, had been substituted for beef scrap, or ground beef scrap, which the article purported to be.

Misbranding was alleged with respect to a portion of the article for the reason that the statement, "Protein Min. 55%," borne on the label, was false and misleading in that the said statement represented that the article contained not less than 55 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 55 per cent of protein, whereas it did contain less protein than declared, namely, not more than 48.88 per cent of protein. Misbranding was alleged with respect to the remainder of the said article for the reason that the statements, "Beef Scrap," or "Ground Beef Scrap," as the case might be, and "Protein, Min. 50% * * * Phos. Acid, Max. 10%," borne on the labels, were false and misleading in that the said statements represented that the article was beef scrap, or ground beef scrap, and contained not less than 50 per cent of protein and not more than 10 per cent of phosphoric acid; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was beef scrap, or ground beef scrap, and contained not less than 50 per cent of protein and not more than 10 per cent of phosphoric acid; whereas the said article was not beef scrap or ground beef scrap, but was a product composed in large part of bone and meat scrap, it contained less protein than declared on the label, the various consignments containing not more than 48.82 per cent, 46.04 per cent, and 47.01 per cent respectively of protein, and it contained more phosphoric acid than declared, the three consignments containing not less than 10.5 per cent, 11 per cent and 11.7 per cent, respectively, of phosphoric acid. Misbranding

was alleged with respect to the said portion of the article for the further reason that it was a product composed in large part of meat and bone scrap, deficient in protein, and containing excessive phosphoric acid, prepared in imitation of beef scrap or ground beef scrap, and was offered for sale and sold under the distinctive name of another article.

On September 29, 1931, pleas of guilty to the information were entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18869. Adulteration of herring. U. S. v. 100 Pounds, et al., of Herring (Bluefins). Default decrees of destruction. (F. & D. Nos. 27010, 27011. I. S. Nos. 40947, 40946. S. Nos. 5230, 5231.)

The herring (bluefins) involved in the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for Southern District of Ohio.

On September 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 200 pounds of herring, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by Sam Johnson & Sons, Duluth, Minn., on or about September 22, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of a portion of an animal unfit for food.

On October 7, 1931, no claimant having appeared for the property, and the court having found that the product was spoiled and unfit for human consumption, decrees were entered, nunc pro tunc as of September 28, 1931, ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18870. Adulteration of herring. U. S. v. 200 Pounds of Herring (Bluefins). Default decree of destruction entered. (F. & D. No. 27022. I. S. No. 25045. S. No. 5240.)

The herring (bluefins) involved in the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On October 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 pounds of herring, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the Sam Johnson & Sons Fisheries, Duluth, Minn., on or about September 24, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

No claimant having appeared for the property, and the court having found that the product was spoiled and unfit for human consumption, a decree was entered nunc pro tunc as of October 2, 1931, ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18871. Adulteration of canned frozen eggs. U. S. v. 650 Cans of Frozen Eggs. Decree of condemnation entered. Product released under bond. (F. & D. No. 26950. I. S. No. 36889. S. No. 5166.)

Samples of canned frozen eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On September 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 650 cans of frozen eggs, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Morning Glory Creamery Co., Houston, Tex., on or about August 11, 1931, and had been transported from the State of Texas into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Keiths Eggs Koaka Whole Eggs."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On September 29, 1931, H. J. Keith & Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant, not to be disposed of in violation of the Federal food and drugs act. The decree further provided that the claimant pay costs of the proceedings and execute a bond in the sum of \$5,000, conditioned in part that the product should not be sold or disposed of without having been inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18872. Adulteration of herring. U. S. v. 3 Boxes of Herring. Default decree of condemnation and destruction. (F. & D. No. 27008. I. S. No. 34763. S. No. 5228.)

Samples of herring from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On September 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three boxes of herring, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Hogstad Fish Co., from Duluth, Minn., on or about September 24, 1931, and had been transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Dr. Bluefins * * * Hogstad Fish Co., Duluth, Minn."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and putrid animal substance, and in that it was a portion of an animal unfit for food.

On September 30, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18873. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27133. I. S. No. 34514. S. No. 5106.)

Samples of blueberries from the shipment herein described having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On August 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by E. V. Bates, from South Brooksville, Me., August 18, 1931, and had been transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From E. V. Bates, So. Brooksville, Me."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18874. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27132. I. S. No. 34513. S. No. 5107.)

Samples of blueberries from the shipment herein described having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On August 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Arthur E. Jones, from South Brooksville, Me., August 18, 1931, and had been

transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From Arthur E. Jones, S. Brooksville, Me."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18875. Adulteration of blueberries. U. S. v. 5 Crates, et al., of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27131, 27134. I. S. Nos. 34516, 38801. S. Nos. 5105, 5108.)

Samples of blueberries from the shipments herein described having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On August 19 and August 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 11 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by C. C. Ladd, from South Brooksville, Me., in part on August 18, 1931, and in part on August 19, 1931, and had been transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From C. C. Ladd So. Brooksville, Me."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 14, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18876. Adulteration and misbranding of lemon oil. U. S. v. David Kleckner. Plea of guilty. Fine, \$10. (F. & D. No. 26575. I. S. No. 020816.)

Examination of samples of a product, sold as Italian lemon oil, having shown that the article consisted in large part of cottonseed oil, and that the cans contained less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On August 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against David Kleckner, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on December 17, 1929, from the State of New York into the State of Michigan, of a quantity of lemon oil which was adulterated and misbranded. The article was labeled in part: "Italian Lemon Oil 1 lb. Net. Distributed by Kleckner's, N. Y."

It was alleged in the information that the article was adulterated in that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in large part for lemon oil which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Italian Lemon Oil" and "1 lb. Net," were false and misleading in that the said statements represented that the article was lemon oil and that each can contained 1 pound net thereof; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was lemon oil, and that each of said cans contained 1 pound net thereof; whereas it was not lemon oil but was a product composed in large part of cottonseed oil, and each of the said cans did not contain 1 pound net thereof, but did contain a less amount. Misbranding was alleged for the further reason that the article was prepared in imitation of lemon oil and was offered for sale and sold under the distinctive name of another article, namely, lemon oil. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 23, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18877. Adulteration of tomato catsup. U. S. v. 1,047 Cases, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25306, 25607. I. S. Nos. 13636, 13637, 13665, 16376. S. Nos. 3568, 3853.)

Samples of tomato catsup from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 7, 1930 and January 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,117 cases of tomato catsup at Chicago, Ill., alleging that the article had been shipped by the Frazier Packing Co., from Elwood, Ind., in part on September 23, 1930, and in part on October 16, 1930, and had been transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Bottle) "White City Brand Pure Tomato Catsup Samuel Kunin & Sons, Inc., Distributors, Chicago, Ill." The remainder of the said article was labeled in part: (Bottle) "Tomato Catsup IGA Brand."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 26 and September 30, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18878. Adulteration of pecans. U. S. v. 13 Bags of Pecans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25501. I. S. No. 16307. S. No. 3794.)

Samples of nuts from the shipment of pecans herein described having been found to be decomposed, moldy, and shriveled, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 bags of pecans at Chicago, Ill., alleging that the article had been shipped by the Horticultural Developments Co., from Springhill, Ala., February 6, 1930, and had been transported from the State of Alabama into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On August 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18879. Adulteration and misbranding of olive oil. U. S. v. Thirty 1-Gallon Cans, et al., of Olio Roma. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26298, 26299, 26300. I. S. Nos. 17266, 17267, 17268. S. Nos. 4593, 4594, 4595.)

Examination of a product, represented to be olive oil, from the shipments herein described, having shown that the article was heavily adulterated with cottonseed oil and contained little if any olive oil, that the cans examined contained less than the declared volume, and that it was not a foreign product as it purported to be, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On April 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 85 gallon cans, 30 half-gallon cans, and 10 quart cans of Olio Roma at Detroit, Mich., alleging that the article had been shipped by the Oriental Products Co., from Canton, Ohio, in part on or about December 15, 1930, and in part on or about February 2, 1931, and had been transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The shipping cases were labeled in part: "Roma Olive Oil." The cans were labeled in Italian, of which the following is in part a translation: "Roma Oil Superfine Oil for table and medicinal use [design of Colosseum] The famous old amphitheater of Italy.

This Roma oil is put up by the same firm that puts up the pure olive oil, Iberian brand, and it is the same that imports the famous Olive Oil Porto Maurizio Italy." The following appeared in English on the said cans: "Net Contents One Gallon [or "Half Gallon" or "One Quart," as the case might be]."

It was alleged in the libels that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in part for olive oil.

Misbranding was alleged for the reason that the statement on the shipping case, "Roma Olive Oil," and the statements on the respective can labels, "Net Contents One Gallon," "Net Contents Half Gallon," and "Net Contents One Quart," were false and misleading and deceived and misled the purchaser; for the further reason that the article purported to be a foreign product when not so; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 8, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18880. Adulteration of shell eggs. U. S. v. William M. Hogge. Plea of nolo contendere. Fine, \$25. (F. & D. No. 25687. I. S. No. 2726.)

A large proportion of the eggs in the shipment herein described having been found to be in various stages of decomposition, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On April 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against William M. Hogge, Mascot, Va., alleging shipment by said defendant in violation of the food and drugs act, on or about July 26, 1930, from the State of Virginia into the State of Maryland, of a quantity of eggs which were adulterated. The article was labeled in part: "From W. M. Hogge, Mascot, Va."

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On October 12, 1931, the defendant entered a plea of nolo contendere to the information and the court, after hearing the evidence in the case, imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18881. Adulteration of chocolate-covered wine jellies. U. S. v. Ninety 1-Pound Boxes of Chocolate-Covered Wine Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26480. I. S. No. 24466. S. No. 4777.)

Samples of confectionery from the shipment herein described having been found to contain alcohol, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On June 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of ninety 1-pound boxes of chocolate-covered wine jellies, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Widmer's Grape Products Co., from Naples, N. Y., April 30 1931, and had been transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of spirituous liquor, to wit, alcohol.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18882. Adulteration of canned mushroom puree. U. S. v. 10½ Cases of Canned Mushroom Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26481. I. S. No. 24465. S. No. 4787.)

Samples of canned mushroom puree from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On June 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10½ cases of canned mushroom puree at Chicago, Ill., alleging that the article had been shipped by the Keystone Mushroom Co., from Detroit, Mich., May 11, 1931, and had been transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Keystone Brand Puree of Mushrooms. * * * Packed by the Keystone Mushroom Co., Coatesville, Pa."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18883. Adulteration and misbranding of canned grapefruit juice. U. S. v. 23 Cases of Grapefruit Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26467. I. S. No. 24456. S. No. 4750.)

Samples of canned grapefruit juice from the shipment herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On June 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 cases of canned grapefruit juice at Chicago, Ill., alleging that the article had been shipped by the Holly Hill Fruit Products (Inc.), from Davenport, Fla., on or about January 10, 1931, and had been transported from the State of Florida into the State of Illinois, and charging adulteration and misbranding in violation of the food and drug act. The article was labeled in part: (Can) "Holly Hill Florida Grapefruit Juice * * * Holly Hill Fruit Products Inc., Davenport, Fla."

It was alleged in the libel that the article was adulterated in that a substance, to wit, added sugar, had been substituted in part for grapefruit juice, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Grapefruit Juice," was borne on the label so as to deceive and mislead the purchaser into the belief that the article was genuine grapefruit juice, whereas it was not. Misbranding was alleged for the further reason that the article was an imitation of another article, to wit, grapefruit juice, which it purported to be.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18884. Adulteration and misbranding of butter. U. S. v. Midwest Dairies (Inc.) (Desert Gold Dairies (Inc.)). Plea of guilty. Fine, \$25. (F. & D. No. 26536. I. S. Nos. 505, 507, 588, 1665.)

Samples of butter from the shipments herein described having been found short of the declared weight, and a portion having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On November 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Midwest Dairies (Inc.), a corporation, trading as the Desert Gold Dairies (Inc.), El Paso, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about August 19, August 22, September 12, and October 3, 1930, from the State of Texas into the State of New Mexico, of quantities of butter which was misbranded and a portion of which was also adulterated. The article was labeled in part: "1 Pound Net Desert Gold Creamery Butter Desert Gold Finest Quality Creamery Butter Desert Gold Dairies, Inc."

It was alleged in the information that a portion of the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement "1 Pound Net" on the packages was false and misleading in that it represented the packages to contain 1 pound net of the article, and for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package. Misbranding was also alleged with respect to a portion of the article in that the statement "Butter" on the packages was false and misleading, since it represented the article to be butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law; whereas the article did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser.

On November 3, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18885. Adulteration of canned frozen whole eggs. U. S. v. 250 Cans of Frozen Whole Eggs. Decree of condemnation entered. Product released under bond. (F. & D. No. 27026. I. S. No. 36850. S. No. 5236.)

Samples of canned frozen whole eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Alabama.

On October 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 250 cans of frozen whole eggs, remaining unsold in the original packages at Mobile, Ala., alleging that the article had been shipped by the Atlantic Ice & Coal Co., from Knoxville, Tenn., on or about July 15, 1931, and had been transported from the State of Tennessee into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Keith's Eggs * * * Kaoka Whole Eggs * * * Process and Product Patented H. J. Keith Company, Boston, New York, Chicago."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On October 9, 1931, the H. J. Keith Co. (Inc.), Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$2,000, said bond being conditioned to the effect that the product should not be used, sold, or disposed of without having been inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18886. Adulteration of tullibeas. U. S. v. 150 Pounds of Tullibeas. Default decree of destruction entered. (F. & D. No. 26777. I. S. No. 35352. S. No. 4897.)

Samples of tullibeas (fish) from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On July 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 pounds of tullibeas at Kansas City, Mo., alleging that the article had been shipped by D. J. McCarthy from Ranier, Minn., on or about June 1, 1931, and had been transported from the State of Minnesota into the State of Missouri, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or partly of a filthy, decomposed, or putrid animal substance.

On November 6, 1931, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18887. Misbranding of canned tomatoes. U. S. v. 98 Cases, et al., of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27096. I. S. Nos. 37866, 37867. S. No. 5333.)

Examination of samples of canned tomatoes from the shipment herein described having shown that the article fell below the standard promulgated by

this department for canned tomatoes, in that it contained an excessive amount of peel, and that the label failed to bear a statement that the article fell below such standard, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On October 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 193 cases of canned tomatoes, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Frederica Packing Co., from Milford, Del., on or about September 29, 1931, and had been transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Red Seal Brand Tomatoes * * * Thomas Roberts & Co., Philadelphia, Pa. * * * Distributors." The remainder of the said article was labeled in part: "Redstone Brand Tomatoes Packed for & Guaranteed Strictly First Quality by Comly, Flanigen Company, Philadelphia."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality or condition promulgated by the Secretary of Agriculture for such canned food, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that the article fell below such standard.

On October 28, 1931, the Frederica Packing Co. (Inc.), Frederica, Del., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$225, conditioned in part that it be relabeled under the supervision of this department, and that it should not be sold or otherwise disposed of contrary to the laws of the United States, or any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18888. Adulteration and misbranding of Italian Dinner. U. S. v. 88 Cases of Italian Dinner. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26895. I. S. No. 22312. S. No. 5076.)

Examination of a product, known as Italian Dinner, having shown that one of the components of the article consisted of cheese containing added lactose and the constituents of skimmed milk, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On August 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 88 cases of the said Italian Dinner, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Delray Corporation, San Francisco, Calif., on or about August 4, 1931, and had been transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act.

The article was labeled in part: (Case) "Del Ray Italian Dinner Spaghetti or Macaroni with Mushroom Sauce and Grated Cheese;" (package) "Del Ray Italian Dinner Macaroni [or "Spaghetti"] With Mushroom Sauce and Cheese Seasoning * * * Contents * * * Cheese Seasoning 1 oz.;" (envelope) "Del Ray Fine Foods 'I Serve' Italian Blend Grated Cheese for Spaghetti and Macaroni and for Savory Dishes Au Gratin made of part skim milk and enriched with milk sugar, milk albumen and other vitamin containing milk solids. Delray Corporation San Francisco;" (can label) "Del-Ray Fine Foods 'I Serve' Italian Mushroom Sauce."

Adulteration was alleged in substance in the libel for the reason that, with respect to the cheese component, other substances containing lactose had been substituted in part for the article.

Misbranding was alleged for the reason that the statements on the labeling, "Grated Cheese" and "Cheese Seasoning," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 5, 1931, the Delray Corporation, San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry

of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be relabeled under the supervision of this department, and should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18889. Adulteration of apples. U. S. v. 150 Bushels, et al., of Apples. Decree of condemnation entered. Product released under bond. (F. & D. No. 27079. I. S. Nos. 40505, 40507. S. Nos. 5319, 5323.)

Lead and arsenic having been found on certain samples of apples taken from the shipments herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On October 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 bushels and 28,900 pounds of apples at New Orleans, La., alleging that the article had been shipped by the Exall Orchard & Real Estate Co., Paducah, Ky., in part on or about October 3, 1931, and in part on or about October 7, 1931, and had been transported from the State of Kentucky into the State of Louisiana, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, to wit, lead and arsenic, which might have rendered it injurious to health.

On October 16, 1931, J. J. Runfalo & Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant to be reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it should not be disposed of contrary to the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18890. Adulteration of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$50. (F. & D. No. 26698. I. S. No. 24746.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Nebraska.

On October 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation trading at Columbus, Nebr., alleging shipment by said company, in violation of the food and drugs act, on or about May 29, 1931, from the State of Nebraska into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the said article purported to be.

On November 30, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18891. Adulteration of tomato catsup. U. S. v. 75 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27035. I. S. No. 21632. S. No. 5252.)

Samples of canned tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On October 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 75 cases of tomato catsup, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the

Utah Canning Co., Ogden, Utah, on or about September 29, 1930, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Black & White Brand Tomato Catsup * * * Haas Baruch & Co., Los Angeles, Calif., Distributors."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On December 1, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18892. Adulteration and misbranding of canned minced clams. U. S. v. 96 Cartons of Canned Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26507. I. S. No. 22231. S. No. 4809.)

Examination of samples of canned minced clams from the shipment herein described having shown that the article contained excessive brine and that the packages failed to bear a plain and conspicuous statement of the quantity of the contents, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On June 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 96 cartons of canned minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Wiegardt Bros., from Ocean Park, Wash., on or about May 14, 1931, and had been transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The cans containing the article were unlabeled.

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for normal minced clams of good commercial quality.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 10, 1931, Wiegardt Bros., Ocean Park, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18893. Misbranding of cottonseed cake and meal. U. S. v. Otho L. Nikles (Southland Cottonseed Products Co.). Plea of guilty. Fine, \$70. (F. & D. No. 25722. I. S. Nos. 18307, 18308, 18309, 18310.)

Samples of cottonseed meal and cake from the shipments herein described having been found to contain less protein than represented on the labels, and the sacks in certain of the consignments having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On July 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Otho L. Nikles, trading as the Southland Cottonseed Products Co., North Kansas City, Mo., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, on or about July 24, August 16, August 23, and August 29, 1930, from the State of Missouri into the State of Kansas, of quantities of cottonseed meal and cake that was misbranded.

The article was labeled in part, variously: "100 Lbs. Net Weight Cottonseed Cake and Meal 'Superior Quality' * * * Guaranteed Analysis Protein not less than 43 per cent * * * Distributed by Superior Cake & Meal Co. * * * Kansas City, Mo.;" "100 Pounds Net Weight When Packed Cotton Seed Meal or Cake Manufactured By Southland Cotton Seed Products Co., North Kansas City, Mo. Analysis Protein 43 per cent;" "Weight 100 Pounds

Net 'Chickasha Prime' Cottonseed Cake or Meal * * * Guaranteed Analysis Protein not less than 43 per cent."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed Analysis, Protein, not less than 43%," or "Analysis Protein 43 per cent," appearing on the tags attached to the sacks containing the article, and the statement, "100 Lbs. Net Weight," appearing on the tags attached to the sacks containing portions of the said article, were false and misleading, in that the said statements represented that the article contained not less than 43 per cent of protein, and that the sacks containing the said portions each contained 100 pounds of the article; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein and that the sacks containing the said portions each contained 100 pounds of the article; whereas the said article contained less than 43 per cent of protein, and the sacks in certain consignments contained less than 100 pounds. Misbranding was asleged with respect to the said portions of the article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 2, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$70.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18894. Adulteration of canned salmon. U. S. v. 2,487 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26957. I. S. No. 22332. S. No. 5172.)

Samples of canned salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2,487 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Kadiak Fisheries, from Kodiak, Alaska, on or about July 24, 1931, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 3, 1931, the Kadiak Fisheries Co., Kodiak, Alaska, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or other existing laws, and further conditioned that the good portion be separated from the cans containing decomposed material, and that the portion which was not adulterated be released and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18895. Adulteration of Antipasto. U. S. v. 193 Cases of Antipasto. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26780. I. S. Nos. 33889, 33890. S. No. 4896.)

Samples of a food product, known as Antipasto, from the lot herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On July 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 193 cases of Antipasto at New York, N. Y., alleging that the article had been imported from Italy, a portion having been entered December 9, 1930, and the remainder January 20, 1931, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "L'Excelsior Degli Antipasti Il Sole Italie Fili Garosci di Giovanni Preserved Fish and Pickles Antipasto Torino Italy * * * Confezionate in conformita alle norme vigenti. Tonno-Funghi-Olive-Cipolline-Cetrioli-in Salsa."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On November 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18896. Adulteration of canned salmon. U. S. v. 5,283 Cases of Canned Pink Salmon, et al. Consent decree of condemnation and forfeiture. Product taken down under bond to be sorted, the good portion released and the bad portion destroyed. (F. & D. No. 26995. I. S. Nos. 22354, 22355. S. No. 5209.)

Samples of canned salmon from the shipment herein described having been found to be tainted and stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5,283 cases of canned pink salmon and 376 cases of canned red salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by R. J. Peratovich, owner and manager of the Bay View Packing Co., from Klawock, Alaska, on or about August 24, 1931, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 10, 1931, R. J. Peratovich, trading as the Bay View Packing Co., Klawock, Alaska, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that the adulterated portion be separated from the unadulterated portion under the supervision of this department, and that the article should not be disposed of contrary to law. The decree further provided that the bond be canceled upon the production of satisfactory evidence that the filthy, decomposed, and putrid portion of the product had been destroyed by the claimant in the process of the said separation.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18897. Adulteration of canned frozen whole eggs. U. S. v. 1,000 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26967. I. S. No. 36985. S. No. 5183.)

Samples of canned frozen whole eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On September 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,000 cans of frozen whole eggs at San Antonio, Tex., alleging that the article had been shipped by the U. S. Cold Storage Co., acting for the Tranin Egg Products Co., from Kansas City, Mo., on or about August 17, 1931, and had been transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Tranin Egg Products Co. Skins Removed from Yolks Pure Frozen Eggs Whole Eggs."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On October 2, 1931, the Tranin Egg Products Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$5,000, conditioned in part that it should not be sold or offered for sale in violation of any existing laws, and it was further ordered that claimant pay all costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18898. Adulteration of canned salmon. U. S. v. 588 Cases of Canned Red Salmon. Consent decree of condemnation and forfeiture. Product taken down under bond, the good portion released and the bad portion destroyed. (F. & D. No. 26985. I. S. No. 22352. S. No. 5193.)

Samples of canned salmon from the shipment herein described having been found to be stale and tainted, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 588 cases of canned red salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Bay View Packing Co., Klawock, Alaska, on or about August 16, 1931, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 10, 1931, R. P. Peratovich, trading as the Bay View Packing Co., Klawock, Alaska, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and that the article should not be sold or otherwise disposed of contrary to law. The decree further provided that the bond be canceled upon the furnishing by claimant of satisfactory evidence that the portion of the product which was adulterated, filthy, decomposed, and putrid had been destroyed in the process of the said separation.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18899. Adulteration of apples. U. S. v. 756 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27015. I. S. No. 39495. S. No. 5239.)

Examination of apples from the shipment herein described having shown the presence of lead arsenate on the surface of the said apples, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On September 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of apples, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the American Fruit Growers (Inc.), from Wenatchee, Wash., on or about September 15, 1931, and had been transported from the State of Washington into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fancy Grown by Birchmont Orchards Skookum Fancy Blue Goose Shipped by American Fruit Growers Inc., District of Wenatchee, Washington. * * * Skookum Packers Association, Wenatchee, Washington. * * * Distributed by Northwestern Fruit Exchange, Wenatchee, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, lead arsenate, which might have rendered it injurious to health.

On October 19, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18900. Adulteration of herring. U. S. v. 600 Pounds of Herring. Default decree of destruction entered. (F. & D. Nos. 27020, 27021. I. S. Nos. 40949, 40950. S. Nos. 5237, 5243.)

The herring in the shipments herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Kentucky.

On October 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 600 pounds of herring, remaining unsold in the original packages at Covington, Ky., consigned by the Hogstad Fish Co., Duluth, Minn., Sep-

tember 24, 1931, alleging that the article had been shipped in interstate commerce from Duluth, Minn., into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, and in that it was a portion of an animal unfit for food.

On October 3, 1931, no claimant having appeared for the property, and the court having found that the product was spoiled and unfit for human consumption, a decree was entered ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18901. Misbranding of canned asparagus. U. S. v. 26 Cases of Canned Asparagus. Consent decree of condemnation and forfeiture. Product released under bond. F. & D. No. 27031. I. S. No. 25825. S. No. 5238.)

Examination of samples of a product represented to be asparagus tips having shown that the article consisted of center cuts of asparagus, with no tips present, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On October 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 cases of canned asparagus at Cincinnati, Ohio, consigned by the Pratt-Low Preserving Co., Redwood City, Calif., April 9, 1931, alleging that the article had been shipped in interstate commerce from Redwood City, Calif., into the State of Ohio, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "Honey Grove Asparagus * * * Packed for Cincinnati Who. Gro. Co., Cincinnati, Ohio;" (can) "Honey Grove Soup Cuts California Asparagus Tips." The cans further bore a design showing asparagus tips.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Asparagus Tips," was false and misleading when applied to center cut asparagus containing no tips; and in that the design of whole uncut spears of asparagus with tips deceived and misled purchasers when applied to a product consisting of sections cut from the center of asparagus stalks.

On October 2, 1931, the Cincinnati Wholesale Grocery Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18902. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27129. I. S. No. 38709. S. No. 5301.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the St. Paul Terminal Warehouse Co., Duluth, Minn., for the North Kingston Dairy Association, Kimball, Minn., September 23, 1931, and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tub) "Cremoland Guaranteed Pasteurized Butter * * * Zenith-Godley Co. New York."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as prescribed by the act of March 4, 1923; and in that the article was deficient in butterfat.

The Zenith-Godley Co. (Inc.), New York, N. Y., agent for the North Kingston Dairy Association, Kimball, Minn., interposed a claim for the product, admitted the allegations of the libel, and consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On October 7, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all laws, Federal and State.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18903. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27128. I. S. No. 39757. S. No. 5298.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Sheldon Creamery, Sheldon, Wis., September 17, 1931, and had been transported from the State of Wisconsin into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tub) "Hunter Walton & Co. New York."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923; and in that the article was deficient in butterfat.

Hunter, Walton & Co., New York, N. Y., interposed a claim for the product as agent for the Sheldon Cooperative Creamery, Sheldon, Wis., and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent by weight of butterfat. On October 7, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked so that it comply with the requirements of the Federal food and drugs act and all laws, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18904. Misbranding of corn meal. U. S. v. 528 Sacks of Meal, et al. Default decrees of destruction entered. (F. & D. Nos. 26446, 26447. I. S. Nos. 24318, 24320, 24321, 24322. S. Nos. 4730, 4732.)

Samples of corn meal from the shipments herein described having been found short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On May 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,728 sacks 24 pounds each, 40 sacks 98 pounds each, and 100 sacks 10 pounds each of meal, remaining in the original unbroken packages in part at Vicksburg, Miss., and in part at Natchez, Miss., alleging that the article had been shipped by the Shreveport Grain & Elevator Co., Shreveport, La., in part on or about May 5, 1931, and in part on or about May 9, 1931, and had been transported from the State of Louisiana into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part, variously: (Sacks) "Marshall Mill & Elevator Co. Acorn Meal Marshall Texas Manufactured by Shreveport Grain and Elev. Co. 24 Lbs. Net When Packed;" "Manufactured for Marshall Mill & Elevator Co. Acorn Meal Marshall Texas 98 Lbs. Net When Packed;" "Red Head Meal 24 lbs. Net When Packed;" "Red Head Meal 10 lbs. Net."

It was alleged in the libels that the article was misbranded in that the statements of net weight appearing on the sacks were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and failed to bear a plain and

conspicuous statement of the quantity of the contents, since the statements made were incorrect.

On November 19, 1931, decrees were entered finding the allegations of the libels to be true, and ordering that the United States marshal destroy the three 24-pound sacks and one 98-pound sack of Acorn meal, and the forty-nine 24-pound sacks and fifty-four 10-pound sacks of Red Head meal which had been seized.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18905. Adulteration and misbranding of butter. U. S. v. 56 Cubes of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 27040. I. S. Nos. 11724, 11825. S. No. 5134.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On July 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 56 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Farmers Cooperative Association (Farmers Cooperative Producers Association), from Idaho Falls, Idaho, on or about July 20, 1931, and had been transported from the State of Idaho into the State of California, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the article was a compound and blend and did not contain a label so stating.

On November 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The court having found that the product contained no deleterious matter and was fit for human consumption, ordered that it be delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18906. Adulteration of canned frozen whole eggs. U. S. v. 259 Cans of Frozen Whole Eggs. Decree entered by consent. Product taken down under bond to be sorted; good portion released and bad portion destroyed or denatured. (F. & D. No. 27047. I. S. No. 38711. S. No. 5283.)

Samples of canned frozen whole eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On October 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 259 cans of frozen whole eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by Kadane Brown, from Dallas, Tex., on or about September 30, 1931, and had been transported from the State of Texas into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Whole Eggs American Albumen Corporation Frozen Eggs * * * New York—Dallas."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On October 21, 1931, the Pacific Commonwealth Corporation of California, New York, N. Y., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that the cans containing bad eggs be separated from the cans containing good eggs, under the supervision of this department, and that the cans set aside as containing decomposed material be destroyed or denatured so that they could not be used for food.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18907. Adulteration and misbranding of cane sirup. U. S. v. 78 Cans, et al., of Cane Sirup. Default decree of destruction entered. (F. & D. No. 26879. I. S. Nos. 36631, 36632, 36633, 36634. S. No. 5066.)

Examination of samples of cane sirup from the shipment herein described having shown that the article contained added undeclared glucose and sugar sirup, and that, with respect to portions of the product, the cans contained less than the volume declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On or about September 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 316 cans of the said cane sirup, remaining in the original unbroken packages at Natchez, Miss., alleging that the article had been shipped by A. O. Cunningham, from Lafayette, La., on or about July 16, 1931, and had been transported from the State of Louisiana into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Open Kettle Pure Cane Syrup 3 Qts. 8 Fld. Ozs. [or "1 Qt., 1 Pt., 4 Fld. Ozs.," "1 Pt. 10 Fld. Ozs.," or "16 Fld. Ozs.""] Packed by A. O. Cunningham * * * Lafayette, La."

It was alleged in the libel that the article was adulterated in that added undeclared glucose and sugar sirup had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Open Kettle Pure Syrup," borne on the labels of the product, and the statements, "3 Qts. 8 Fld. Ozs.," with respect to 78 cans of the article, and "16 Fld. Ozs.," with respect to 150 cans of the said article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to all the said product for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the said 78-can lot and the 150-can lot for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 19, 1931, no claimant having appeared for the property, judgment was entered finding the product subject to confiscation and forfeiture, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18908. Adulteration of butter. U. S. v. 11 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27120. I. S. No. 12948. S. No. 4904.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On June 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 cubes of butter, at San Francisco, Calif., alleging that the article had been shipped by the Wilcox Produce Co., from Portland, Oreg., on or about June 5, 1931, and had been transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat.

On November 19, 1931, the Cudahy Packing Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of judgment, an amended decree was entered condemning and forfeiting the product, and ordering that it be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be made to conform to the Federal food and drugs act under the supervision of this department, and that it should not be sold or otherwise disposed of contrary to the said act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18909. Adulteration of tomato catsup. U. S. v. 300 Cases of Tomato Catsup. Default decree of destruction entered. (F. & D. No. 27016. I. S. No. 35747. S. No. 5235.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On September 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 cases of tomato catsup at Kansas City, Mo., alleging that the article had been shipped by the North Ogden Canning Co., from North Ogden, Utah, on or about March 25, 1931, and had been transported from the State of Utah into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Congress Brand Tomato Catsup * * * Distributed by Kansas City Wholesale Grocery Company, Kansas City, Mo."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 6, 1931, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18910. Adulteration of herring. U. S. v. 400 Pounds of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27009. I. S. No. 40944. S. No. 5223.)

Samples of herring from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On or about October 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 pounds of herring, remaining unsold in the original unbroken packages at Dayton, Ohio, alleging that the article had been shipped by the Hogstad Fish Co., from Duluth, Minn., on or about September 22, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and putrid animal substance, and in that it was a portion of an animal unfit for food.

On October 31, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18911. Adulteration and misbranding of canned sweet corn. U. S. v. Ivan C. Morgan and Joseph S. Morgan (Morgan Packing Co.). Pleas of guilty. Fines, \$100. (F. & D. No. 26591. I. S. No. 16394.)

Samples of a product labeled sweet corn from the shipment herein described having been found to contain a large proportion of field corn, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Indiana.

On September 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Ivan C. Morgan and Joseph S. Morgan, copartners, trading as the Morgan Packing Co., Austin, Ind., alleging shipment by said defendants, in violation of the food and drugs act, on or about December 16, 1930, from the State of Indiana into the State of Illinois, of a quantity of canned sweet corn which was adulterated and misbranded. The article was labeled in part: (Can) "Scott Co. Brand Country Gentleman Sweet Corn * * * Morgan Packing Co. Austin, Indiana."

It was alleged in the information that the article was adulterated in that a product, field corn, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in whole and in part for sweet corn, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Sweet Corn," borne on the label, was false and misleading in that the said statement represented that the article consisted wholly of sweet corn; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the pur-

chaser into the belief that it consisted wholly of sweet corn; whereas it did not so consist, but did consist in part of field corn. Misbranding was alleged for the further reason that the article was a product composed in part of field corn and was offered for sale and sold under the distinctive name of another article, to wit, sweet corn.

On October 9, 1931, the defendants entered pleas of guilty to the information, and the court imposed fines totaling \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18912. Misbranding of crackers. U. S. v. Standard Biscuit Co. Plea of guilty. Fine, \$40. (F. & D. No. 26642. I. S. Nos. 023641, 023642, 023643, 023644, 023650, 023701.)

Samples of packaged crackers from the shipments herein described having been found to contain less than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On October 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Standard Biscuit Co., a corporation, Des Moines, Iowa, alleging shipment by said company, in violation of the food and drugs act as amended, from the State of Iowa into the State of Colorado, in part on or about March 29, 1930, and in part on or about April 14, 1930, of quantities of crackers which were misbranded. The articles were labeled in part, variously: (Packages) "A So-tast-ee Product * * * Honey Grahams Standard Biscuit Company U. S. A. Net Weight 2 Lbs.;" "Two Pounds Salted Tops Certified Butter-Sodas So-TasT-ee Products;" "A So-tast-ee Product * * * S. B. C. Sodas Standard Biscuit Company Des Moines, Iowa Net Weight 2 Lbs.;" "S. B. C. Sodas * * * A So-tast-ee Product Standard Biscuit Company Des Moines, Iowa [stamped] 3 Pounds Plain."

It was alleged in the information that the articles were misbranded in that the statements, "Net Weight 2 Lbs.," "Two Pounds," or "3 Pounds," borne on the labels of the various packages, were false and misleading in that the said statements represented that the packages contained 2 pounds or 3 pounds, as the case might be, of the said articles; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 2 pounds or 3 pounds, as the case might be, of the articles; whereas the said packages did not contain the amount so represented, but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 2, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18913. Misbranding of canned tomatoes. U. S. v. 860 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 27180. I. S. No. 37933. S. No. 5345.)

Examination of samples of canned tomatoes from the shipment herein described having shown that the article fell below the standard promulgated by this department for canned tomatoes, in that it contained an excessive amount of peel, and that the label failed to bear a statement that the article fell below such standard, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On October 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 860 cases of canned tomatoes, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by Thomas Roberts & Co., from Felton, Del., on or about September 22, 1931, and had been transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The cans containing the article were unlabeled.

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality promulgated by the Secretary of Agriculture for such canned food, since it contained an excessive quantity of peel per pound of tomatoes, and its package or label did not

bear a plain and conspicuous statement prescribed by the said Secretary of Agriculture, indicating that such canned food fell below such standard.

On October 29, 1931, the Frederica Packing Co. (Inc.), Frederica, Del., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it be relabeled under the supervision of this department, and should not be sold or otherwise disposed of contrary to the laws of the United States, or any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18914. Adulteration and misbranding of evaporated apples. U. S. v. 48 Boxes of Evaporated Apples. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 25602. I. S. No. 14517. S. No. 3738.)

Samples of evaporated apples from the shipment herein described having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Georgia.

On or about January 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48 boxes of evaporated apples, remaining in the original unbroken packages at La Grange, Ga., alleging that the article had been shipped by the Smith Evaporating Co., from Farmington, Ark., on or about October 2, 1930, and had been transported from the State of Arkansas into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples Wonder Brand Manufactured and Packed by Smith Evaporating Co., Farmington, Ark."

It was alleged in the libel that the article was adulterated in that insufficiently evaporated apples had been substituted for evaporated apples, which the said article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Evaporated Apples," was false and misleading, and deceived and misled the purchaser when applied to insufficiently evaporated apples.

On March 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. On March 19, 1931, the decree was amended to permit delivery of the product to a charitable institution, in lieu of its destruction.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18915. Adulteration and misbranding of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27151. I. S. No. 35329. S. No. 4977.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by W. H. Freund, from Ridgeland, Wis., July 2, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that it contained less than 80 per cent of milk fat.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18916. Adulteration and misbranding of cannaed grapefruit juice. U. S. v. 167 Cases of Canned Grapefruit Juice. Product released under bond to be relabeled. (F. & D. No. 26930. I. S. No. 12973. S. No. 5135.)

Samples of canned grapefruit juice from the shipment herein described having been found to contain added sugar sirup, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On September 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 167 cases of canned grapefruit juice, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Thomas Roberts & Co., from Philadelphia, Pa., on or about June 4, 1931, and had been transported from the State of Pennsylvania into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Blue Bar Brand Grapefruit Juice Packed by Tugwell & Wiseman, Inc., Tarpon Springs, Fla."

It was alleged in the libel that the article was adulterated in that an undeclared added substance, sugar sirup, had been substituted partly for the said article.

Misbranding was alleged for the reason that the statement on the label, "Grapefruit Juice," was false and misleading, and deceived and misled the purchaser when applied to an article composed partly of added undeclared sugar sirup. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 8, 1931, the Western States Grocery Co., San Francisco, Calif., having appeared as claimant for the property, and it having been stipulated by the claimant and a representative for the Government that sugar sirup had been added to the product by the manufacturer, a decree was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, said bond to be canceled upon certification by this department that the article had been relabeled so as to conform to the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18917. Adulteration and misbranding of canned sliced mushrooms. U. S. v. 20 Cases of Canned Sliced Mushrooms. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26705. I. S. No. 17231. S. No. 4831.)

Examination of samples of canned sliced mushrooms from the shipment herein described having shown that the article contained excessive stems and that the cans contained less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On or about June 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cases of canned sliced mushrooms at Detroit, Mich., alleging that the article had been shipped by Von Bremen-Asche de Bruyn (Inc.), from Wilmington, Del., on or about April 14, 1931, and had been transported from the State of Delaware into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Forest-Inn Sliced Mushrooms Full Natural Flavor (Unbleached) Cultivated Mushrooms * * * Contents 15 Oz. Drained Weight of Mushrooms 8 Oz. * * * These mushrooms * * * Forest-Inn Mushrooms * * * We guarantee them to be * * * of exceptionally high quality [cut of mushroom];" (shipping carton) "8 Oz. Sliced Mushrooms."

It was alleged in the libel that the article was adulterated in that excessive stems had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the shipping cases, "8 Oz. Eliced Mushrooms," and the statements on the can labels, "Cliced Mushrooms * * * Cultivated Mushrooms * * * Contents 15 Oz. Drained Weight of Mushrooms 8 Oz. * * * Mushrooms * * * These mushrooms * * * Forest-Inn Mushrooms * * * We guarantee them to be * * * of exceptionally high quality," and the design of a mushroom appearing on the said cans, were false and misleading, and deceived and misled the purchaser when applied to mushrooms containing an excessive amount of stems and which were short of the declared contents and of the declared drained weight. Misbranding was alleged for the further reason that the article was

food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct, and for the further reason that the article was offered for sale and sold under the distinctive name of another article.

On October 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18918. Adulteration of apples. U. S. v. 660 Baskets of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27032. I. S. No. 31751. S. No. 5253.)

Lead arsenate having been found on samples of apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On October 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 660 baskets of apples, remaining in the original unbroken packages at San Jose, Calif., alleging that the article had been shipped by the Fruitland Fruit Association, from Effie, Idaho, on or about September 18, 1931, and had been transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "1-0 Brand Idaho Oregon * * * Grown and Shipped by The Fruitland Fruit Association, Fruitland, Idaho."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, lead arsenate, which might have rendered it injurious to health.

On October 7, 1931, the Pacific Fruit & Produce Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be cleaned and washed so that it comply with the requirements of the Federal food and drugs act and all laws, Federal and State thereunto relating.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18919. Adulteration and misbranding of canned orange juice. U. S. v. 48 Cases of Canned Orange Juice. Decree of condemnation and forfeiture, with provision for release under bond for relabeling. (F. & D. No. 26422. I. S. No. 12520. S. No. 4716.)

Samples of canned orange juice from the shipment herein described having been found to contain added sugar, and the cans examined having been found to contain less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Washington.

On May 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48 cases of canned orange juice, remaining in the original unbroken packages at Spokane, Wash., alleging that the article had been shipped by the Orlando Canning Co. (Inc.), from Orlando, Fla., on or about March 10, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Heart of Florida * * * Orange Juice Contents 10½ Fld. Ozs. or 297 Grams * * * Packed by Orlando Canning Co. Inc. Orlando, Florida."

It was alleged in the libel that the article was adulterated in that orange juice containing added sugar had been substituted for orange juice.

Misbranding was alleged for the reason that the statements on the label, "Orange Juice Contents 10½ Fld. Ozs. or 297 Grams," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 21, 1931, a decree was entered condemning and forfeiting the property and ordering that it be destroyed by the United States marshal. The decree provided, however, that the product might be released to the claimant, the Roundup Grocery Co., Spokane, Wash., upon payment of costs, within 20 days from the date of the decree, and the execution of a bond in the sum of \$100,

conditioned in part that it be relabeled, and that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18920. Misbranding of butter. U. S. v. 7 Cases, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 26762. I. S. Nos. 22280, 22281, 22282, 22283. S. No. 4822.)

Sample packages of butter taken from two lots, which had been delivered to the common carrier at Seattle, Wash., for shipment to Alaska, having been found to contain less than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On June 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 13 cases of butter, remaining in the original unbroken packages at Seattle, Wash., delivered for shipment by the Centralia Dairy Co., Centralia, Wash., June 4, 1931, alleging that the article was to have been shipped from Centralia, Wash., to Alaska, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "One Pound Net Weight * * * Medo-Maid Butter." The remainder of the said article was labeled in part: "One Pound Net * * * Sunset Gold Creamery Butter."

It was alleged in the libels that the article was misbranded in that the statements, "One Pound Net" and "One Pound Net Weight," appearing on the respective labels, were false and misleading, since the packages contained less than the quantity declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated on the said packages was incorrect.

On June 23, 1931, the Centralia Dairy Co., Centralia, Wash., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments were entered, which were amended on October 27, 1931, condemning and forfeiting the property and ordering that it be released to the said claimant upon payment of costs and the execution of bonds totaling \$200, conditioned in part that it be brought into conformity with the law under the supervision of this department and that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18921. Adulteration and misbranding of cottonseed meal. U. S. v. Swift & Co.. Plea of nolo contendere. Fine, \$50. (F. & D. No. 26562. I. S. No. 18357.)

Samples of cottonseed meal from the shipment herein described having been found to contain less protein and more fiber than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Georgia.

On August 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, trading at Macon, Ga., alleging shipment by said company, under the name of Swift & Co., Oil Mill, in violation of the food and drugs act, on or about October 10, 1930, from the State of Georgia into the State of Kentucky, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: "'Pinta' Columbus Brand 41% Cottonseed Meal Made for Dan Joseph Co., Columbus, Ga. Guaranteed Analysis Protein 41.00 Per Cent, * * * Fiber 10.00 Per Cent."

It was alleged in the information that the article was adulterated in that a substance, to wit, a cottonseed meal deficient in protein and containing excessive fiber, had been substituted for the said article.

Misbranding was alleged for the reason that the statements, to wit, "41% Cottonseed Meal * * * Guaranteed Analysis Per Cent Protein 41.00 * * * Fiber 10.00," borne on the tags attached to the stacks containing the article, were false and misleading in that they represented that the article contained not less than 41 per cent of protein and not more than 10 per cent of

fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein and not more than 10 per cent of fiber, whereas the article contained less than 41 per cent of protein and more than 10 per cent of fiber.

On October 24, 1931, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18922. Adulteration of herring. U. S. v. 1 Box of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26726. I. S. No. 35680. S. No. 4878.)

Samples of herring from the shipment herein described having been found to contain worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On June 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one box of herring at Chicago, Ill., alleging that the article had been shipped by the Flieth Ehlers Mercantile Co., from Cornucopia, Wis., on or about June 19, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18923. Adulteration of shell eggs. U. S. v. 32 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27158. I. S. No. 9898. S. No. 5125.)

Inedible eggs, consisting of black rots, mixed rots, moldy eggs, spot rots, and blood rings, having been found in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Farmers Produce Co., from Lennox, S. Dak., on or about July 24, 1931, and had been transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18924. Adulteration of apples. U. S. v. 516 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27013. I. S. Nos. 40371, 44851. S. No. 5220.)

Lead arsenate, the residue of an arsenical spray, having been found on samples of apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about September 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 516 bushels of apples at Chicago, Ill., alleging that the article had been shipped by the American Fruit Growers (Inc.), from Cobden, Ill., to Milwaukee, Wis., and had been reshipped by the consignee from Milwaukee, Wis., to Chicago, Ill., on or about September 22, 1931, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, lead arsenate.

On October 5, 1931, the American Fruit Growers (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released for the removal, by the claimant, of the arsenical spray residue, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18925. Adulteration of canned prunes. U. S. v. 95 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 25939. I. S. No. 14623. S. No. 4178.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 95 cases of canned prunes at Chicago, Ill., alleging that the article had been shipped by the Eugene Fruit Growers Association, from Eugene, Oreg., on or about December 17, 1930, and had been transported from the State of Oregon into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Blossom Brand Prunes Plums * * * Durand McNeil Horner Co. Distributors, Chicago."

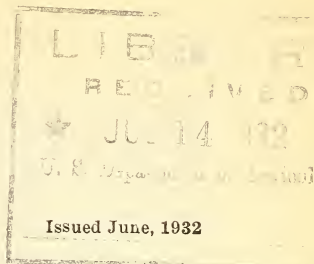
It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On August 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18926-18975

[Approved by the Secretary of Agriculture, Washington, D. C., June 8, 1932]

18926. Misbranding of Germozone. U. S. v. 11,142 Packages of Germozone. Default decree of condemnation, forfeiture, and destruction. Motion for release of product under bond dismissed. (F. & D. No. 26733. I. S. Nos. 13211, 13212, 13213, 13214. S. No. 4834.)

The labeling of the drug product Germozone contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess. The name "Germozone" implied that the article contained ozone, whereas it contained no ozone.

On July 8, 1931, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 gallon bottles, 4 dozen half-gallon bottles, 460 dozen 4-ounce bottles, 130 dozen 32-ounce bottles, and 330 dozen 12-ounce bottles of the said Germozone, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Geo. H. Lee Co., from Omaha, Nebr., on or about February 19, 1931, and had been transported from the State of Nebraska into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride, aluminum sulphate, potassium permanganate, potassium chlorate, and water. Ozone was not present.

It was alleged in the libel that the article was misbranded in that the statement "Germozone," borne on the label, was false and misleading in that the said statement implied that the article contained ozone, whereas it contained no ozone.

Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Cartons containing 4-ounce and 32-ounce bottles) "Germozone * * * Also for Swine Necrotic Enteritis (Necro) and other intestinal disorders. Horses and Cattle Forage and Mould Poisoning * * * Sheep Fungus Poisoning and Scours * * * Use Germozone for Sore Mouth, Sore Eyes, Sores * * * Canker, Thrush, Cracked Heels, * * * You will be surprised at its effectiveness. * * * for Fowls Roup, Bowel Complaint, Canker, Swelled Head, Chicken Pox, Soft Crop, Etc.;" (4-ounce bottle label) "Germozone * * * should be used in the first drink the chicks receive, one teaspoonful to each quart of drinking water. Give for three consecutive days, then three times a week until chicks are six weeks old after that two tablepoonsful or one ounce to each gallon of all drinking water three days of

each week. The regular use of Germozone will minimize the danger of intestinal infections, which are so common the first few weeks of a chick's life, resulting in diarrhoeas and digestive disorders. Germozone has a beneficial action in purifying drinking water and crop contents. * * * For Pet Animals and Birds Give Germozone 3 times a week in drinking water, a teaspoonful to a quart of water. It is especially valuable for singing birds, to keep the throat in order. If sick, give daily to dogs, cats and other pet stock in all drinking water until well; also in bath water to strong purple for skin disorder. * * * For Roup, Cold in the head, eyes swelled or watery, one teaspoonful of Germozone to a half glass of water. Inject into passages of the head through the nostrils, using small syringe or squirt oil can. Also bathe eyes and head and under wings with same solution. Give Germozone in drinking water, two teaspoonfuls to a quart of water. For Bowel Trouble, give in drinking water as above. For Canker, Chicken Pox, Frosted Comb, Sore Head, etc. apply full strength twice daily. * * * For Stock Germozone, given in drinking water two tablespoonfuls to a gallon, purifies the water, cleanses the mouth, throat and stomach, and prevents bowel trouble and many diseases caused by fungus and bacteria in food or drink. * * * For * * * Skin Diseases * * * Germozone is equally effective on Man and Beast;" (12-ounce and 32-ounce bottle labels) "Germozone * * * A Remedy for Certain Disorders of the Skin and Semi-Exterior Mucous Membrane of the Animal Body; A Healing * * * Lotion. * * * Most diseases of poultry are of the mucous membrane—of eyes, nasal passages, mouth, throat and bowels, caused principally by colds and by eating musty, spoiled or infected food; also exterior affections of the skin, face, comb, wattles, etc. In all such cases, use Germozone * * * It is peculiarly and especially adapted to diseases of poultry. See also direction sheet enclosed and 'Lee Way Book.' * * * Germozone is a ready remedy in case of * * * sores and certain forms of skin disease; also for soreness or inflammation of eyes, mouth and throat. Apply diluted, one teaspoonful to a glass of water, except in severe cases or sores and skin diseases; apply full strength or diluted one-half. For disorders caused by fungus poison or impure water, musty or spoiled food, etc., give daily in the drinking water, two tablespoonfuls (one ounce) to each gallon of water. * * * Germozone is equally effective on Man and Beast. Generally used in diluted form unless otherwise directed. See Direction Book with this package. For Pet Animals and Birds Give Germozone three times a week in drinking water, a teaspoonful to a quart of water. It is especially valuable for singing birds to keep the throat in order. If sick, give daily to dogs, cats and other pet stock in all drinking water until well; also in bath water to strong purple for skin disorder. For sore eyes or mouth, bathe with dilute solution of Germozone. * * * For Baby Chicks Directions Germozone should be used in the first drink the chicks receive, one teaspoonful to each quart of drinking water. Give for three consecutive days, then three times a week until chicks are six weeks old; after that two tablespoonfuls or one ounce to each gallon of all drinking water three days of each week. The regular use of Germozone will minimize the danger of intestinal infections which are so common the first few weeks of a chick's life, resulting in diarrhoeas and digestive disorders. * * * Germozone has a beneficial action in purifying drinking water and crop contents; also * * * healing the mucous membrane of crop, gullet, glandular stomach, and intestines—an intestinal antiseptic. Only Healthy Flocks Are Profitable. Keep right on using Germozone. Give it regularly to your growing birds. Give it the year around to your adult fowls. It is just as important to control intestinal infections in adult fowls as in baby chicks. * * * For Poultry For Roup, Cold in the Head, eyes swelled or watery, one teaspoonful Germozone to a half glass of water. Inject into passages of the head through nostrils, using small syringe or squirt oil can. Also bathe eyes and head and under wings with same solution. Give Germozone in drinking water, two teaspoonfuls to a quart of water, or two tablespoonfuls to a gallon. See Direction Book. For Bowel Trouble, give in drinking water as above. Fowls are especially subject to bowel disorders caused by eating musty, spoiled or infected food. Germozone, given three times a week in drinking water, is a desirable preventive. For Canker, Chicken Pox, Frosted Comb, Sore Head, etc., apply full strength twice daily. * * * For Baby Chicks Give Germozone in the drinking water for the first three days, one teaspoonful to a quart or one tablespoonful to a gallon, then every other day. Most of the losses during the first ten weeks are due to diarrhoea and bowel disorders caused by musty, spoiled or infected food.

Germozone is a most desirable preventative;" (half-gallon and gallon bottle labels) "Germozone * * * 'A Remedy for Certain Disorders of the skin and Semi-Exterior Mucous Membrane of the Animal Body; a Healing * * * Lotion.' * * * Most diseases of poultry are of the mucous membrane—of eyes, nasal passages, mouth, throat and bowels, caused principally by colds and by eating musty, spoiled or infected food; also exterior affections of the skin, face, comb, wattles, etc. In all such cases, use Germozone as directed. It is peculiarly and especially adapted to diseases of poultry. See also direction sheet enclosed with each bottle. For Roup, Cold in the Head, eyes swelled or watery, one teaspoonful Germozone to a half glass of water. Inject into passages of head through nostrils, using small syringe or squirt oil can. Also bathe eyes and head and under wings with same solution. Give Germozone in drinking water a teaspoonful to a quart of water. For Bowel Trouble, caused by food infection, give in drinking water as above. For Canker, Chicken Pox, Frosted Comb, Sore Head, etc., apply full strength twice daily. Never administer in feed, milk or slop. * * * Fowls are especially subject to bowel disorders caused by eating musty, spoiled or infected food. Germozone, given twice a week in drinking water, is a desirable preventive. * * * Germozone is a ready remedy in case of * * * sores and certain forms of skin diseases; also for soreness or inflammation of eyes, mouth and throat. Apply diluted, one teaspoonful to a glass of water, except in severe cases or sores and skin diseases, apply full strength or diluted one-half. * * * Germozone, given in drinking water to a light purple color, purifies the water, cleanses the mouth, throat and stomach, and assists in preventing bowel trouble and many diseases caused by fungus and bacteria in food or drink. For * * * Certain Forms of Skin Diseases, etc. Germozone is equally effective on Man and Beast. Generally used in diluted form unless otherwise directed. * * * For Pet Animals and Birds Give Germozone twice a week in drinking water, a teaspoonful to a quart of water. It is especially valuable for singing birds to keep the throat in order. If sick, give daily to dogs, cats and other pet stock in all drinking water until well; also in bath water to a strong purple for skin disorder. For sore eyes or mouth, bathe with dilute solution of Germozone. * * * Germozone is an excellent bowel antiseptic and healing agent, corrective of diarrhoea or excessive looseness of the bowels. For such purpose it is given only in clear drinking water one ounce to a gallon of water, as a first drink in morning before feeding. For 'Necro' Necrotic Enteritis and similar intestinal infections of pigs and hogs, use as follows: Directions for Treating. Shut pigs in a dry lot. Feed soaked oats only, with one quart oil meal added dry, to each bushel of oats. * * * In severe cases, soak the oats in a mixture of 1 pint Germozone to 15 gallons water. This is in addition to the morning drink of Germozone. Do this daily for eight to ten days. Then follow with preventive treatment regularly three times a week. * * * As a preventive measure, give Germozone in water, as above described, three times a week. * * * No great change need be made in the usual feeding method during preventive treatment. Give brood sows the preventive treatment for 30 days before farrowing to eliminate the infection from their intestines and prevent the litter from becoming infected;" (circular accompanying shipment of each size bottle) "Success in Raising Poultry Depends largely on preventing the common troubles—those that are almost sure to come and rob all profits unless really effective means are taken to prevent them—and, if they do come, on stopping them promptly. This leaflet suggests how to prevent, or overcome, Bowel Trouble and Diarrhoea, Roup * * * Bowel Troubles and Simple Diarrhoeas, Roup, Limberneck, and Poisoning from Mouldy Food, Digestive Disorders, and Intestinal Infections. These things in chicks, and also in adult birds, cause heavy losses for poultry raisers. Much more than the incurable and contagious diseases. It is easier and cheaper to prevent these common troubles than to cure them. For thirty years thousands of successful poultry raisers have been preventing them by giving Germozone in the drinking water three times a week to chicks and adult birds. They have very little, or no sickness among their chicks. It is just as valuable for layers. Read about it in the 'Lee Way' Book, especially pages 26 to 29, and get it from your Lee dealer; If no dealer at your point, from our factory;" (blue booklet inclosed in carton with each sized bottle) "Germozone * * * the treatment of disorders affecting skin, scalp and semi-exterior mucous surfaces. * * * For twenty-five years Germozone has been known as 'Germozone.' Many years before that it lived, as a prescription in the practice of an old-time

doctor, famous for his successful treatment of diseases of the skin, and of the mucous membrane of the body cavities. * * * For years it was the dependable medicine in our family and gained such a neighborhood reputation that dozens of people begged or borrowed it for their own home use. * * * after a strenuous battle with Roup, Canker, and Bowel Complaint in my poultry yards. I had tried most everything when all at once the thought came to me that what would prove successful for a human being would surely do the same for a chicken. Putting the thought to actual test proved its correctness, and today Germozone is without a doubt the most effective and popular preventive and remedy of poultry ailments in general use. * * * Germozone is now most used as an internal remedy for Poultry, Domestic Animals, Birds, and Live Stock. Its peculiar properties render it an invaluable intestinal antiseptic, purifying, cleansing and healing the mucous membrane, the irritation, inflammation, or coating of which causes fully 80 per cent of Poultry diseases and very many of the diseases of other Birds and Domestic Animals. Further, in case of Poultry, there must be included the mucous membrane of throat, crop, gullet, glandular stomach and gizzard. * * * Common disorders. Most of the disorders and diseases of chickens and turkeys are surprisingly similar to those affecting the human body. 'Roup' is simply a catarrh or bad cold in the head. 'Swelled Head' is simply the last stage of roup. A chicken cannot blow its nose and clear its head. The nasal passages fill up, become rotten or putrid, and the face and eyes puff out from the accumulation of matter. Bowel trouble starts generally from eating spoiled, musty or rotten food. Grain or meal in damp hoppers, surplus grain left lying for days in litter, bad eggs thrown out, dead animals, etc., all cause trouble. Then, too, there is danger from poisons—salt carelessly thrown out from ice cream freezers, salt fish or pork, rat poison or poisoned rats or mice. Germozone is peculiarly adapted to all of these troubles because it may be administered either externally or internally for poultry, according as the case may require. The Germozone is antiseptic and healing and has the important property of counteracting, in the chicken's crop, much or all of the musty or poisonous matter which would cause trouble later. It also has a regulating effect upon the bowels, and a remarkable cleansing and healing action on torn, irritated, or inflamed mucous membrane of throat, crop, gullet, glandular stomach, and intestines. Many, and in fact, most diseases, including the dreaded Coccidiosis and Tuberculosis, find a more ready lodging or entrance if the passage leading through the body is not in good, healthy condition. This is the reason why we recommend the giving of Germozone in the drinking water of chickens, young or old, three times a week with regularity. * * * It should not be given in all drinking water all the time, except in case of sickness, or after worming, when it may be given in all drink for a week or two. First Signs of Disease. * * * If droppings are soft or fluid, green, very pale or yellowish in color, or if the white tip is absent, then look out for trouble. Give Germozone to all in the drinking water all day for two or three days and then give as directed above—two tablets or two teaspoonsful of liquid Germozone to each quart of water, an ounce (two tablespoonsful) to each gallon of water for half grown or adult fowls. Half as strong for baby chicks. Comb and wattles should be bright red in color. If dark red, black, purple or pale in color, or if white spots or scurf, the chicken is sick or out of condition and needs attention. Generally Germozone is all sufficient, given in the drinking water. * * * Colds. Colds often, and in fact generally, result as an aftermath of bowel trouble. If the bowels are in good order, a chick is not nearly so likely to take cold, even under very adverse conditions. One of the first things to do, therefore, is to give Germozone in the drinking water every day for a week or until this condition is corrected. * * * Roup. Roup is simply a cold in the head that has not been given attention. The watery discharge has become thick matter and this, accumulating for days and perhaps weeks in the nasal passages, becomes foul and putrid and leads up to the condition known as 'swelled head.' It requires the same treatment as for 'colds' given in previous sections, except that it requires much more thorough and extended treatment, and especially in washing out the nasal passages with Germozone solution, one teaspoonful or one tablet to a glass of warm water. These must be thoroughly cleaned out, also the cleft in the roof of the mouth and the diseased mucous membrane healed. Repeated applications may be necessary, but it must be done or a cure can not be expected. * * * No use to try

to cure roup and then let the chicken sleep every night with its head in a mass of putrid matter. * * * Canker. Canker is a yellowish coating that appears in the mouth, at the corners of the mouth, on the tongue, or at the opening of the windpipe or trachea. It is very similar to croup or diphtheria and is very contagious. This coating often covers entirely the opening of the windpipe, shutting off the breath and suffocating the chicken. The coating should all be scraped or picked off and Germozone applied full strength using a small brush or feather. Where tablets are used, crush a tablet and dissolve in a teaspoonful of warm water and apply. If thoroughly done, one treatment is usually sufficient. Throat Inflammation. This is generally accompanied by a fiery redness of the throat membrane and often by a frothy accumulation of mucous in the throat, together with a shortness of breath. Chickens that get Germozone regularly seldom have this trouble. * * * Frosted Comb. Frosted or frozen comb, wattles or feet, if discovered at once and before the parts thaw out, should be painted with full strength Germozone and the chicken transferred to a room, not warm but just above freezing. This will often prevent the loss of these parts. Even if the trouble has progressed further, it is well to apply Germozone daily. Limber Neck. Limber neck is really ptomaine poisoning and is the result of eating rotten or spoiled food of some kind, generally dead animals, etc. The chicken twists its neck, either with the head held high or at one side against or near the body, or hanging limp. There is not much chance of a cure in the last stages, but Germozone should be given in the drinking water at once for all the chickens in the same flock, and those that cannot drink should be given two or three teaspoonsful every hour of a stronger solution, a tablet or a teaspoonful to a half glass of water. * * * Bowel Complaint. Diarrhoea or bowel complaint is caused generally by poor food, damp or foul quarters, * * * The cause should always be located and removed, at the same time giving Germozone in the drinking water. White Diarrhoea. White Diarrhoea is a contagious germ disease and is often transmitted by dirty or contaminated eggs to chicks on hatching. Much so-called white diarrhoea in case of young chicks, is not that disease at all, but is simply the result of overheating, or chilling, or too much water, or too much grain food and not enough vegetables. Generally a little Germozone in the drinking water is all sufficient to correct the trouble. * * * Chicken pox. Chicken pox appears as pimples or little sore spots, generally on the face, comb and wattles of chickens. Later they become like scabby warts. The best time to take this in hand is right at the start and paint with full strength Germozone. Separate the sick fowls. Keep separate, and all sore spots well anointed with the Germozone until scabs drop off. Give Germozone in all drinking water. Other Diseases. * * * Blackhead in turkeys is a very contagious and fatal disease and generally attacks the young birds. While it is called blackhead, from the heads turning dark yellow or black it is really a disease of the bowels and liver. Blackhead is much the same as coccidiosis in chickens. Germozone should be given regularly to young turkeys the same as to young chicks as an aid in preventing this disease. * * * There is not much chance of cure except in the early stages. * * * Prevention is the thing. * * * Give Germozone in the drinking water all the time to sick birds, three times a week to others. Germozone an aid to egg production. A hen with rosy red comb, bowels in perfect order, free from the common diseases of roup, colds, etc. * * * Poultry troubles generally start from the bowels, a broken irritated inflamed mucous membrane. * * * Bowel trouble results most often from eating musty or spoiled food. Excess grain in damp litter, feed boxes, etc., soon gets musty or moldy, and that is poison for chickens. A little Germozone in the drinking water at regular intervals is not a medicine in such case, but is a preventive and corrective of such conditions that later cause trouble. We recommend two tablets or two teaspoonsful liquid Germozone to a quart of water, in the drinking water all day two or three times a week, or every day as a last drink at night. (Or an ounce, or two tablespoonsful, to each gallon.) 'Necro' or necrotic enteritis in hogs. Being strictly a disease of the mucous membrane of the intestine, responds readily to treatment with liquid Germozone. * * * Demonstrations on hundreds of farms during the last year have proven very successful. We have special literature fully covering this disease. Send your name for details and method of treatment. Gastritis or Acute Indigestion in hogs yields readily to Germozone treatment. Administer as a drink one-half hour before feeding in the morning, after the animals have been held off feed all night. Use 1 oz. Germozone to each gallon of water. * * * Singing birds are greatly

troubled with sore mouth and throat and a teaspoonful of Germozone to a pint of drinking water two or three times a week relieves this trouble. For rabbits and pet animals. For snuffles, nasal catarrh, etc., spray the passages of the head, through the nostrils, with dilute Germozone, two or three tablets or a teaspoonful of liquid Germozone to a glass of warm water. * * * For Diarrhoea or bowel trouble from musty or spoiled food, use in the drink same as for 'Live Stock.' * * * For Live Stock * * * Germozone is the handiest of handy things to have around for use on stock—horse, cow, sheep, pig, or any other animal—in case of cut, * * * skin disease, loss of hair, canker, sore mouth or eyes, * * * swellings, etc. * * * Give daily in drinking water, to strong pink or light purple color, for bowel trouble or illness from fungus poison in grass, or hay, or from impure water, musty or spoiled food. * * * Treatment * * * sore scalp * * * Sores, Etc. * * * Hives, Itching, Etc., Most any sort of Skin eruption or irritation is relieved * * * This treatment is also valuable in case of chilblains, * * * Sore Feet. For sore, * * * chafed feet, chilblains, blistered toes, etc. * * * Skin Disease. Germozone is a good 'first try' in most any case of skin disease."

Further misbranding of the article was alleged in the libel for the reason that there appeared in the circular accompanying each package of the article the reference, "Germozone * * * Read about it in the 'Lee Way' book and get it from your Lee dealer; if no dealer at your point from our Factory," and on the label of each of a number of the bottles appeared the reference "See * * * Lee Way Book," which reference incorporated as part of the labeling the statements contained in the booklets entitled "The Lee Way," and which were further identified on the front cover page as "A Text Book On The Diseases of Poultry—1931 Edition Published by George H. Lee Co., Omaha, Nebraska," which booklet so referred to and so identified contained the following statements regarding the curative and therapeutic effects of the article which were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Coccidiosis—is a highly infectious disease of the intestines caused by a protozoan parasite at one time extensively known as Coccidium. * * * Treatment * * * Use Germozone at the rate of one tablespoonful in all drinking water the first four days, then every other day. Prevention * * * The action of coccidia destroys the lining of the intestines paving the way for other bacteria to gain ready access into the system and for this reason, Germozone should be used in the drinking water three times a week. * * * Pneumonia—Occurs at any age, but is commonly observed in chicks from 1 to 3 weeks of age. * * * Treatment * * * Give Germozone in all drinking water. * * * Simple Diarrhoeas * * * Treatment—Since the local irritation of these simple diarrhoeas forms excellent breeding places for all kinds of bacteria many of which generate dangerous toxins, the use of an intestinal antiseptic is indicated. Germozone used in the first drink and at least once a day for the first week and after that every other day until the chicks are three weeks of age will, in large measure, prevent these diarrhoeas. * * * Toxemia—is a condition often observed in young chicks due to the absorption of toxins or poisons from the digestive tract. Faulty digestion, musty feed, intestinal parasites and bacteria are among the causes. * * * Treatment * * * Keep digestive tract disinfected by adding one teaspoonful of Germozone to each quart of drinking water. * * * Aspergillosis—Inhalation of spores of certain molds results in their development on the moist warm surfaces of bronchial tubes and air sacs of the lungs. * * * Treatment * * * Germozone in the drinking water, * * * Blackhead—Infectious Entero-hepatitis is the technical name for a disease * * * Treatment * * * Germozone, two ounces to a gallon of drinking water for four days. Then repeat the salts and use Germozone, one ounce to the gallon of drinking water. * * * Coccidiosis * * * Treatment * * * Germozone in the drinking water three times a week. * * * Enteritis—Under this term is included a variety of intestinal disturbances generally resulting in diarrhoea and showing, upon post-mortem examination, an inflammation of the lining of the intestines. This may be due to a variety of causes. * * * Treatment * * * Germozone, one ounce to the gallon of water, should be kept constantly before the flock until the trouble stops. * * * Indigestion—Digestive disorders in birds are frequent, the result of feeding various meat products and ground grains without sufficient green food. * * * Treatment—One half to one teaspoonful of Epsom

Salts dissolved in one-half ounce of warm water to which is added one teaspoonful of Germozone; * * * Use Germozone in all drinking water for 3 or 4 days, then every other day. * * * Leukemia—is a serious, apparently fatal disease of the bloodmaking organs. * * * Treatment * * * Germozone three or four times a week in the drinking water. * * * Paralysis—It is evident that there is more than one pathological condition that may cause a partial paralysis affecting the wings and legs in poultry. * * * Treatment * * * Use Germozone in all drinking water four or five days and thereafter two or three times a week. * * * Roup—Roup is the result of a neglected cold. * * * Treatment * * * Germozone in all drinking water. * * * Germozone * * * the Life Saver! All Chicks Need Germozone. Nowadays most flock owners appreciate the importance of constantly guarding against crop and intestinal infection. It is well known that a very large per cent of the diseases common to poultry are of this origin. Most of the bacteria and germs that cause these infections are taken with the food, picked up from the floor and ground and with droppings and other contamination. Merely purifying the water does not counteract these germs and bacteria. The action of the disinfectant or purifying agent must continue in the crop and intestinal tract. That is why Germozone is so successful and has been such a great favorite with poultry raisers for more than a third of a century. * * * 'Best First Try for Sick Chickens.' Germozone corrects many of the infections, as well—which has given rise to the common expression that Germozone is the 'best try for sick chickens.' That is because Germozone is an antiseptic that is also soothing and healing to the mucous membrane lining affected by the bacteria and germs. But the greatest value of Germozone is in preventing disease from getting a start—which, after all, is much less expensive and so much more satisfactory than correcting disease after it has been allowed to develop. Poultry raisers who use Germozone regularly find that very rarely do they have losses from disease. In fact, many state that they would not try to raise poultry without Germozone. * * * You cannot avoid these germs and bacteria—but with Germozone you can avoid the crop and bowel infection and diarrhoeas that these germs and bacteria so surely bring on. Two teaspoonfuls of Germozone to the quart of drinking water three times a week—such a simple, inexpensive little care! Yet it keeps the crop pure and sweet and guards unceasingly against diarrhoeas and digestive disorders. * * * The successful poultry raisers are those who prevent the common troubles that are so likely to come. Each year increasing thousands of Germozone users save their chicks from this greatest danger. * * * Get Germozone now. * * * Only healthy flocks are profitable flocks. Keep disease away. * * * Save money—and save your birds. Keep Disease Away! Use Germozone in the drink, for all of your flock, all year around. It is just as necessary for half grown and adult fowls as for chicks. * * * Germozone is wonderfully curative in cases of colds, swelled head and other similar ailments of nasal passages. * * * Germozone (a little in the drinking water) two or three times a week. The Germozone has the further advantage of purifying the crop and entire alimentary tract, repairing intestinal damage caused by worms, regulating the bowels of old fowls or chicks. Stop 'Necro' losses with Germozone. If Your pigs are scouring badly and are thin, emaciated and not doing well, they are showing pronounced symptoms of Necrotic Enteritis. Necrotic Enteritis is an intestinal infection, generally believed to be caused by the *Bacillus Necrophorus*. It is very common with swine, recurring annually throughout the principal hog raising regions, and is usually referred to as 'Necro.' * * * The Germozone Treatment * * * mix one ounce of Germozone in a gallon of water, or in larger quantities one pint of Germozone to 15 gallons of water. Give this the First Thing in the Morning as a drink in a clean trough. * * * Germozone attacks the cheesy-like necrotic deposit lining the intestines, causing it to peel or loosen. The soaked oats contain more or less fiber and act as a broom which helps to clear the intestines of the necrotic tissue as it is loosened by the Germozone. Germozone also helps to heal the irritated intestines. One Ohio farmer spent \$4.50 for a gallon of Germozone and saved and marketed \$550.00 worth of pigs that he had been advised to kill and burn. If you are having trouble with Necro give Germozone a trial. Germozone For Live Stock * * * While Germozone is most extensively used for poultry it is especially valuable in treating cases of mold poisoning in cattle, horses, sheep, and other live stock. Germozone for Scours in Calves Germozone has been used for many years in treating Scours in calves and always with splendidly satisfying results. * * * Germozone for Scours in Sheep."

On October 19, 1931, no appearance having been entered in the case except by the George H. Lee Co., Omaha, Nebr., and no claim for the product having been interposed, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, the destruction of the goods to be withheld until five days after notice to counsel for intervenor. On October 26, 1931, notice having been given as provided in the decree and the time fixed therein having elapsed, counsel for intervenor filed a stipulation of costs, an affidavit of ownership, and a motion for an order releasing the goods under bond for relabeling. On November 5, 1931, counsel for the Government filed a motion to strike intervenor's claim, motion for order of release and supporting affidavit. On November 19, 1931, an officer of the George H. Lee Co. filed an affidavit in support of the motion for release, but neither denying nor admitting the allegations of the libel, with the exception that affiant admitted that the words "Chicken Pox," appearing in the labeling of the product, constituted a misbranding under the law. On December 30, 1931, the court handed down the following opinion sustaining the Government's motion to strike intervenor's motion for release (McCormick, J.) :

"United States of America filed its libel of information on July 8, 1931, alleging that the product seized herein was misbranded in violation of the food and drugs act of June 30, 1906. Process issued in accordance with the prayer of the libel and was duly served. Seizure was effected and requisite publication made. The publisher's affidavit was filed. The United States marshal, on August 3, 1931, read the proclamation and the court ordered that default be entered of all parties in interest who had not appeared on record except the George H. Lee Co., and the George H. Lee Co. was allowed 30 days to file a petition in intervention. On September 15, 1931, the court ordered that George H. Lee Co. have until October 1, 1931, to answer. On October 1, 1931, George H. Lee Co. was granted an extension of time to October 15, 1931, to answer or plead. On October 15, 1931, publisher's affidavit of notice of seizure was filed. On October 19, letter of George H. Lee Co., dated October 5, 1931, was filed with leave of court, and the default was ordered entered, upon the motion of proctor for libellant, of all parties in interest who had not appeared of record. Thereupon, upon libellant's offer of proof, the court signed and ordered filed and entered the final decree finding the seizure misbranded within the meaning and intent of the food and drugs act, and ordering the condemnation and forfeiture thereof, and further ordering that the United States marshal destroy the seven thousand six hundred fifty-three packages seized, as provided by law, but not, however, until five days after notice to counsel for the Lee company should have been given. Notice was given as provided in decree and the time therein fixed has elapsed. On October 26, 1931, stipulation for costs was filed herein and Fred E. Peterson, Esq., filed herein an affidavit stating that George H. Lee Co. was the owner of the merchandise seized and desired to execute a bond to effect the release and relabeling thereof on such terms and conditions as the court should adjudge and upon the payment of costs, and filed its motion for order releasing goods to owner and fixing amount of bonds and costs. On November 2, 1931, the hearing on the motion was continued one week. On November 4, 1931, Fred E. Peterson, Esq., filed amended claim and affidavit in support of motion for release of goods. On November 5, libellant filed its motion to strike the motion of George H. Lee Co. for order of release and the affidavit and amended claim and affidavit in support thereof, and likewise filed its points and authorities in support of said motion. On November 9, the motion for the order releasing the goods to George H. Lee Co., and libellant's motion to strike, were before the court, and the hearing thereof was continued for two weeks. On November 19, 1931, there was filed herein the affidavit of Donald J. Burke, an officer of claimant corporation, in support of motion for release of goods. On November 23, the hearing on the motion to strike the motion of George H. Lee Co., and George H. Lee Co.'s motions for release of seizure were continued two weeks. On December 7, 1931, said motions were continued to December 14 for hearing.

"On December 14, 1931, counsel for libellant and counsel for George H. Lee Co., appeared before the court and argued libellant's motion to strike the motion for release filed by George H. Lee Co. and the motion of George H. Lee Co. for release of the seizure for the purpose of relabeling under bond and upon payment of costs. The court being fully advised in the premises and exercising discretion vested in the court under the food and drugs act, on the merits of the controversy presented,

"It is by the court ordered that the motion of George H. Lee Co. for release of goods for the purpose of relabeling under the provisions of the food and drugs act, be and the same is hereby denied.

"And it further appearing that George H. Lee Co., although it had notice of the seizure and the pendency of this action, has suffered a decree of default and of condemnation and forfeiture to be entered herein, good cause appearing therefor,

"It is by the court ordered that the motion of George H. Lee Co. for an order of release of the seizure filed October 26, 1931, and the affidavit in support thereof, filed the same date, and the amended claim and affidavit in support of the motion for release, filed November 4, 1931, be and the same are hereby ordered stricken from the files, and

"It is further ordered, adjudged, and decreed that George H. Lee Co. and Union Indemnity Co. pay to the United States the storage costs from August 3, 1931, to date of entry hereof, to be taxed by the clerk in the sum of \$50.70, and that libellant have execution therefor.

"Exception allowed petitioner, George H. Lee Co."

ARTHUR M. HYDE, *Secretary of Agriculture.*

18927. Adulteration and misbranding of Sozodont liquid. U. S. v. 38 Packages of Sozodont Liquid. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26811. I. S. No. 22842. S. No. 4986.)

Examination of samples of Sozodont liquid having shown that the carton label bore statements representing that the article possessed curative and therapeutic properties that, in fact, it did not possess, also that it was represented to be an antiseptic, whereas it was not, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the interstate shipment herein described, involving a quantity of the product located in San Francisco, Calif.

On July 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 packages of Sozodont liquid, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Hall & Ruckel (Inc.), from New York, N. Y., on or about March 7, 1931, and had been transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of glycerin, borax, soap, alcohol, and water, flavored with volatile oils including menthol and methyl salicylate, and colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Antiseptic," when in truth and in fact the strength of the article fell below such professed standard, since it was not antiseptic.

Misbranding was alleged for the reason that the statement on the carton and bottle label, "Antiseptic," was false and misleading. Misbranding was alleged for the further reason that the statements, "Sozodont Liquid is a good medium for use in massaging the gums. The Gums should be thoroughly massaged to reduce the chances of Pyorrhea. * * * Penetrates The Crevices Where Decay Starts," appearing on the carton label, were statements concerning the curative or therapeutic effects of the article, and were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18928. Adulteration and misbranding of Lavodin. U. S. v. Twenty-four 16-Ounce Packages, et al., of Lavodin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26823. I. S. No. 11161. S. No. 4991.)

Examination of a drug product, known as Lavodin, from the shipment herein described showed that the carton and bottle label and an accompanying circular contained statements representing that the article possessed curative and

therapeutic properties which, in fact, it did not possess. The article was also represented to be an antiseptic, whereas it was not.

On August 3, 1931, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-four 16-ounce packages, eighteen 8-ounce packages, and forty-two 4-ounce packages of the said Lavodin, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Lavodin Co., from Oakland, Calif., in part on or about January 22, 1931, and in part on or about March 17, 1931, and had been transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small proportions of potassium iodine, sodium chloride, borax, cassia oil, and glycerin, alcohol (7.9 per cent), and water, colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely: (Carton) "An Ideal Antiseptic * * * No Germ Can Live In It;" (bottle) "No Germ Can Live In It. * * * An Iodine Antiseptic;" (circular) "An Iodine Antiseptic * * * No Germ Can Live In It."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton) "An Ideal Antiseptic * * * No Germ Can Live In It. * * * tests by reputable laboratories show that no germ can live in it;" (bottle) "No Germ Can Live In It. * * * An Iodine Antiseptic * * * prevents the Germ Laden Toothbrush, * * * tests by reputable laboratories show that no germ can live in it;" (circular) "An Iodine Antiseptic * * * allowing it sufficient time to produce its * * * antiseptic action. * * * by its wonderful * * * antiseptic action. It also guards against the germ-laden tooth brush. * * * The originator of this iodine antiseptic is a physician and surgeon, and also a chemist. After eleven years of study in compounding this iodine solution, he has secured the desired results by producing an antiseptic that, according to laboratory tests, shows that 'No Germ Can Live In It.' * * * Lav-O-Din is an antiseptic needed in every household. Its uses are many because of the antiseptic and healing qualities of this product. In order to combat disease the germ must be destroyed. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Pyorrhea * * * trench mouth, spongy and bleeding gums full strength—hold in the mouth from 3 to 5 minutes or apply on affected parts with gauze well saturated, allowing it sufficient time to produce its * * * antiseptic action. * * * As a Spray—Prevents Infection * * * Retards tooth decay and receding gums by its wonderful * * * antiseptic action. Also prevents the Germ Laden Toothbrush, which is a menace to the health of the gums. * * * For infections, wounds, cuts, boils, abscesses, carbuncles, running sores, * * * erysipelas, itching eczema, * * * In sore throat, tonsilitis, quinsy * * * Nasal catarrh;" (circular) "Sore Throat, Quinsy, Tonsilitis, Acute and Chronic Inflammation of the Throat. * * * Bleeding Gums * * * Pyorrhea, Trench Mouth, * * * Spongy * * * Gums Use Lav-O-Din 25 per cent to full strength as a mouth wash, retaining from three to five minutes. Or apply full strength with gauze well saturated, allowing it sufficient time to produce its * * * antiseptic action. * * * It retards tooth decay and receding gums * * * Prevent Pyorrhea by using Lav-O-Din daily and visiting your dentist four times a year. * * * Cuts and Wounds. Lav-O-Din is valuable as a first aid in case of accident. Leaving an infection is dangerous. Use Lav-O-Din as a moist dressing, full strength, * * * Nasal Conditions, Nasal Catarrh, Hay Fever, * * * And all Infections of the Nasal Cavity * * * Guard Against Disease in Time of Epidemics. Use Lav-O-Din as a spray in oral and nasal cavities;" (bottle) "For pyorrhea, trench mouth, * * * spongy and bleeding gums, full strength—hold in the mouth from 3 to 5 minutes or apply on affected parts with gauze well saturated, allowing it sufficient time to produce * * * antiseptic action. * * * Retards tooth decay and receding

gums by its wonderful * * * antiseptic action. Also prevents the Germ Laden Toothbrush, which is a menace to the health of the gums. * * * For infections, wounds, cuts, boils, abscesses, carbuncles, running sores, * * * erysipelas, itching eczema, piles in all forms, * * * In sore throat, tonsillitis, quinsy * * * Nasal catarrh."

On November 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18929. Misbranding of Teethina. U. S. v. 59 Dozen Boxes of Teethina. Default decree of destruction entered. (F. & D. No. 26852. I. S. No. 36610. S. No. 5018.)

Examination of a drug product, known as Teethina, from the shipment herein described having shown that the carton and box labels and the accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On August 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 59 dozen boxes of the said Teethina, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by the C. J. Moffett Medicine Co., from Columbus, Ga., on or about June 23, 1931, and had been transported from the State of Georgia into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of bismuth subnitrate, calcium carbonate, sodium citrate, and calomel, flavored with ground cinnamon.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and misleading: "It is * * * harmless, * * * 'Teethina' * * * is guaranteed to contain no harmful drugs of any description—it is so safe and harmless, * * * that mothers may use it freely with their babies from infancy until they get in their teens." Misbranding was alleged for the further reason that the following statements appearing on the display carton and box labels and in the accompanying circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Display carton) "Teethina Soothing Relief for Teething Babies * * * Safe soothing relief for teething babies and young children;" (box) "Teething Powders Teethina * * * Directions: * * * Diarrhea—Children under 2 yrs. 1 powder every 4 hrs. until bowels are checked, * * * If child is over 2 yrs. give 1 powder every 3 hrs. until same result is obtained. Cholera Morbus—One powder every 2 hours until vomiting and purging ceases or child becomes quiet. Colic—Infants and children subject to frequent attacks, one powder two or three times a week, until the tendency to this painful trouble is overcome. When children are Fretting, Tossing and Wakeful at night from Worms or other irritations, give a powder every few nights until child rests quietly;" (circular) "For Diarrhea. Children under two (2) years of age, one (1) powder should be given every four hours until the bowels are checked, * * * If the child is over two (2) years old, give one (1) powder every three hours until the same result is obtained. For Cholera Morbus. Give one powder every two (2) hours until the vomiting and purging ceases or the child becomes quiet and rests. For Colic. To infants and children subject to frequent attacks of Colic, give a powder two or three times a week, until the tendency to this painful trouble has been overcome. Worms and Other Irritations. When children are fretting, tossing and wakeful at night from a tendency to Worms or other irritations, give a powder every few nights until the child rests quietly. * * * Mother's baby is mother's prize possession, and she wants to be assured that whatever she gives baby will not only bring relief."

On September 30, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18930. Misbranding of Minton's asthma, hay fever, and catarrh remedy. U. S. v. 2 Dozen Bottles of Minton's Asthma, Hay Fever, and Catarrh Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26781. I. S. No. 18153. S. No. 4893.)

Examination of the drug product herein described having shown that the bottle and carton labels contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Indiana.

On July 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two dozen bottles of the said Minton's asthma, hay fever, and catarrh remedy, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by D. L. Minton, Sidney, Ohio, on or about May 22, 1931, and had been transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, a trace of plant extractives, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Minton's Asthma, Hay Fever and Catarrh Remedy. A Remedy for Asthma, Hay Fever, Catarrh and all Bronchial trouble. A scientific combination of remedies producing a specific in diseases arising from impure blood and weak nerves. This compound is a Powerful Tonic Invigorator and blood purifier * * * Directions * * * Every fifteen minutes until relieved;" (carton) "Minton's Asthma, Hay Fever and Catarrh Remedy * * * A remedy for Asthma, Hay Fever, Catarrh and Bronchial Troubles. A Scientific Combination of Remedies Expressly Prepared for the Treatment of all Diseases arising from Impure Blood and Weak Nerves. This Compound is a Powerful Tonic, Invigorator and Blood Purifier. * * * Is a Remedy for Asthma, Hay Fever, Catarrh and Bronchial Troubles. * * * Not Only Gives Immediate Relief but Removes the Cause of Disease."

On October 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18931. Misbranding of Wilson's Chloro-Inhaler. U. S. v. 144 Tubes of Wilson's Chloro-Inhaler. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26511. I. S. No. 22232. S. No. 4814.)

Examination of samples of a drug product, known as Wilson's Chloro-Inhaler, from the shipment herein described, having shown that the tube label and an accompanying display card bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On June 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 144 tubes of the said Wilson's Chloro-Inhaler, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Western Pacific Chemical Co., from Seattle, Wash., on May 25, 1931, and had been transported from the State of Washington into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Examination of a sample of the article by this department showed that it consisted of a glass inhaler in which was contained a cloth impregnated with menthol, a small proportion of a chlorine-yielding compound, a calcium salt, chloride, and carbonate.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of effecting the claims made: (Tube) "For * * * Hayfever, Flu, Headaches, etc.;" (display card) "For * * * Flu * * * Preventative Against Germs * * * Relief for Headaches."

On October 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18932. Misbranding of Davies' Geng-Seng. U. S. v. 2 Dozen Packages of Davies' Geng-Seng. Default decree of condemnation, forfeiture, and destruction. (P. & D. No. 26333. I. S. No. 11109. S. No. 4618.)

Examination of a drug product, known as Davies' Geng-Seng, having shown that the article contained other active drugs than ginseng root, also that the circular accompanying the article contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On May 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two dozen packages of the said Davies' Geng-Seng, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Davies' Geng-Seng Co., from Los Angeles, Calif., on or about March 3, 1931, and had been transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of powdered ginseng root, aloe, magnesium sulphate, sodium bicarbonate, and sugar.

It was alleged in the libel that the article was misbranded in that the name "Geng-Seng" was false and misleading, since the said article contained other active drugs. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Is America's Triple Curse Now at Last Conquered? * * * Number One—Indigestion * * * Number Two—Ulcerated and bleeding gums, also loose teeth. Number Three—Acid Poison. From Number One comes, sooner or later, a break down of the kidneys, and many persons, who die suddenly, have Number One, causing heart strokes, paralysis, etc. Dangerous blood pressure often caused by a sour acid, fermented stomach and bowels. Number Two fills the system with poison from diseased gums and throat; then catarrh, and often weak lungs. Number Three may cause rheumatism. When the body is poisoned, the nerves break down and healthy life becomes difficult. Are you aware that many people have Catarrh, many die of Consumption, numerous men have weakened vitality, half of the women have female troubles, and we are a nation of dyspeptics? Do not feel hurt at these remarks, but would you have us flatter you or tell the truth? You lead the world in advancement, commerce, trade and inventions. But—you have neglected the human body—human life. Where you have cured one case of cancer, a thousand have lost their lives, one case of asthma, a thousand have suffered, and one case of catarrh, a thousand are in their graves. You cure with difficulty catarrh, consumption, asthma, heart disease, piles, rheumatism, deafness, fits, neuralgia, dyspepsia, skin diseases, kidney trouble, female trouble, poison, rupture, paralysis; also many other diseases we have not space to mention. Suppose there is a cure for these diseases, would you give it a fair trial, or would you condemn it without investigating? This firm has brought to this country these splendid medicines, which honestly, and truthfully relieve people of diseases which up until now have been considered hopeless. Many persons given up have been and are being helped every day. Read this circular carefully, and if you have no use for it, give it to some afflicted friend or relative. Perhaps it may be the means of saving a 'human life.' Try our medicine and then pass judgment. Isn't your health worth it? Your health is your wealth. * * * What is finer than a clear complexion, sparkling eyes, joyful temper and a personality that exudes good health and cheerfulness? People don't like to see a sour-visaged, sickly looking man or woman. Sickness is the cause of most of our unhappiness and trouble. It breeds mental anxiety, gloomy forebodings, languor, melancholia, bad memory, physical and mental debility and a long train of ills. * * * Wise men of the Orient have called it Fragrant health. * * * Are you fit or have you joined that vast army of nervous

wrecks? * * * Indigestion, Kidney Trouble, Acid Poison, Ulcerated Gums, Nervous Debility, are a few of the troubles that will make the bravest man or woman in the world, nervous, frightened, anxious, down-hearted, and unhappy. Listen! Wouldn't you risk a dollar to gain something that's worth millions to you—your health, your future happiness, your life! Then try Davies' Geng-Seng. * * * This is our famous herb powder, which cleans out the system and builds it up. * * * perfect digestion, * * * normal kidney action, freedom from pain, aches and misery; a clean healthy nose and throat, a clean and healthy tongue, pure blood, sweet breath, bright eyes, a firm step, strong and rugged in the back. Don't be careless—think of poison acids to eat up the gums, caused by constipation, and a deadly poison, which settles in the liver, kidneys and the stomach, not to mention the nose and throat. Many people who have used Davies' Geng-Seng say it just sweeps the poisons and filth from the body like a broom. We have letters, hundreds of them, in black and white, in their own handwriting to prove it. Delays are dangerous, don't put it off. * * * Directions * * * There is no particular dose of * * * In case of illness or some sudden misery of any kind, you take the Davies' Geng-Seng at once, no matter what time of day or night. * * * Many persons ask, what Davies' Geng-Seng will do. Here is a brief synopsis: * * * relieves bleeding and ulcerated gums, prevents sour, acid and fermented stomach, promotes digestion, relieves poison acids from the system, assists the blood and the bladder, relieves rheumatism, counteracts bad breath, catarrh and torpid liver, has a splendid action on both sexes, thereby proving a blessing to that vast army of sufferers from kidney troubles and heart weakness. Davies' Geng-Seng relieves languid, weak men and women, tones up the nerves, reduces blood pressure, improves the circulation, and may prolong your life."

On October 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18933. Misbranding of Mason's cream of olives ointment. U. S. v. 11½ Dozen Boxes of Mason's Cream of Olives Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26920. I. S. No. 29261. S. No. 5101.)

Examination of a drug product, known as Mason's cream of olives ointment, from the shipments herein described having shown that the carton and box labels contained representations that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On September 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11½ dozen boxes of the said Mason's cream of olives ointment at New York, N. Y., alleging that the article had been shipped by Aschenbach & Miller (Inc.), from Philadelphia, Pa., in part on or about July 30, 1931, and in part on or about August 14, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of camphor incorporated in a fatty ointment base.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and box labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Shipping carton) "For Catarrh, * * * For Piles * * * For Sore Throat * * * A most effective preparation for catarrh, inflammation * * * croup, mumps, caked breast, * * * neuralgia * * * pimples, skin eruptions. A safe remedy for piles;" (carton) "For Catarrh, For Piles, For Sore Throat * * * A most effective preparation for catarrh, inflammation, * * * croup, mumps, caked breast, * * * skin eruptions, a safe preparation for piles. * * * Directions. * * * Catarrh, * * * pimples, eruptions, neuralgia, * * * piles * * * it allays inflammation;" (tin box) "A most effective preparation for catarrh, inflammation * * * croup, mumps, caked breast * * * skin eruptions, a safe prepara-

tion for piles. * * * Allays Inflammation * * * Directions * * * Catarrh * * * pimples, eruptions, neuralgia * * * piles, * * * it allays inflammation, * * * Croup, * * * Neuralgia, Rheumatism, Pimples, * * * Piles, Catarrh."

On October 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18934. Misbranding of Hick's pure aspirin tablets. U. S. v. 6 Display Cartons, et al., of Hick's Pure Aspirin Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26904. I. S. No. 38151. S. No. 5081.)

Examination of a drug product, known as Hick's pure aspirin tablets, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which in fact it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On August 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six display cartons each containing 36 boxes, and four display cartons each containing 12 boxes of Hick's pure aspirin tablets, remaining in the original unbroken packages at North Bergen, N. J., alleging that the article had been shipped by Charles M. Hick & Co., Chicago, Ill., on or about June 11, 1931, and had been transported from the State of Illinois into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetylsalicylic acid, 4.9 grains each.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the display cartons each holding 36 retail packages, and in the circular accompanying the retail packages of both-sized retail cartons, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: "For * * * Toothache, Earache * * * Rheumatism, Lumbago, Neuralgia, Sciatica."

On September 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18935. Misbranding of Dr. Jones' Formula Grip and Cold tablets. U. S. v. 13 Gross, et al., Packages of Dr. Jones' Formula Grip and Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26478. I. S. No. 20572. S. No. 4722.)

Examination of the drug product herein described showed that the circular and display carton bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess.

On June 12, 1931, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 gross, 4½ dozen packages of the said Dr. Jones' Formula Grip and Cold tablets, remaining in the original unbroken packages at Lawrenceburg, Ind., alleging that the article had been shipped by J. F. Stras, LaCrosse, Wis., in part on or about October 24, 1927, and in part on or about March 21, 1928, and had been transported from the State of Wisconsin into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilid, camphor, extracts of plant drugs including a laxative drug, capsicum, and starch.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the display carton and in the circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "For * * * Coughs, Headaches, Neuralgia, Biliousness, and Muscular Affections. An Aid to Digestion * * * purifying the blood. It opens the pores, starts perspiration, thus throwing off the poisons.

* * * Nerves—Tones and invigorates the nerves, makes one feel better while taking the tablets as well as afterwards. * * * Women's Cramps—Relieves periodic pains;" (retail display carton) "Grip * * * To Cure Grip, * * * And Coughs in One Day, Headache in A Few Hours. * * * To Stop Pain."

On November 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18936. Misbranding of Norwesco laxative cold tablets. U. S. v. 11 Dozen Packages of Norwesco Laxative Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26448. I. S. No. 12519. S. No. 4733.)

Examination of a drug product, known as Norwesco laxative cold tablets, from the shipment herein described having shown that the carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Washington.

On June 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 dozen packages of Norwesco laxative cold tablets, remaining in the original unbroken packages at Spokane, Wash., alleging that the article had been shipped by the Blumauer Frank Drug Co., Portland, Oreg., on or about February 9, 1931, and had been transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilid, quinine, camphor, capsicum, a bromide, and an extract of a laxative plant drug.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the retail and wholesale cartons, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Retail carton) "For Grippe. * * * an efficient remedy in * * * coughs, bronchitis, * * * and neuralgia * * * Valuable in reducing the fever and allaying the pains accompanying and following LaGrippe * * * Directions * * * until entirely relieved;" (wholesale carton) "For Grippe."

On September 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18937. Misbranding of Page's Cru-Mo salve. U. S. v. 42 Tubes and 33 Jars of Page's Cru-Mo Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26347. I. S. Nos. 28749, 28750. S. No. 4661.)

Examination of a drug product, known as Page's Cru-Mo salve, from the shipments herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which in fact it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On May 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 42 tubes and 33 jars of Page's Cru-Mo salve, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the W. H. King Drug Co., from Raleigh, N. C., in part on or about March 18, 1931, and in part on or about April 11, 1931, and had been transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample taken from this stock shows that the article consisted essentially of volatile oils including methyl salicylate, menthol, camphor, eucalyptus oil, and pine oil, in an ointment base of petrolatum, paraffin, and wool fat.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects

claimed: (Tube label) "An External Application Indicated in Croup (Spasmodic) * * * Headache * * * Rheumatic and Neuralgic Pains * * * Etc. * * * Indicated in Croup;" (tube carton) "Indicated in Croup * * * An External Application Indicated in Croup (Spasmodic), * * * Headache * * * Rheumatic and Neuralgic Pains, * * * Etc.;" (Jar label) "Indicated in Croup * * * Croup;" (jar carton) "Indicated in Croup (Spasmodic), Coughs, * * * Sore Throat, Neuralgia, Rheumatism;" (circular accompanying tube and jar) "For Croup * * * Croup—Rub it on chest and throat * * * Pneumonia—Call in physician soon as you suspect this disease, as it is often fatal. Until his arrival, use hot towels on chest * * * Renew every hour till congestion is relieved or physician arrives. * * * Sore Throat * * * Influenza—Severe cases are often fatal, and where influenza is suspected call in a physician. * * * Coughs, Deep Colds, Bronchitis, Pleurisy, Sore Throat, Tonsilitis * * * Headache and Neuralgia * * * Rheumatism * * * Measles, Chicken Pox and Scarlet Fever—A thorough massage with Page's Cru-Mo gives wonderful relief in the itchy, restless condition, especially at night."

On October 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18938. Misbranding of Pheno-Septol. U. S. v. 21 Small Packages, et al., of Pheno-Septol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26092. I. S. Nos. 14568, 14569. S. No. 4353.)

Examination of the drug product Pheno-Septol from the shipment herein described having shown that the bottle label bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, also that it was represented to be an antiseptic and germicide, whereas it was not an antiseptic and germicide when used as directed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On March 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 small packages and 20 large packages of Pheno-Septol at Tampa, Fla., alleging that the article had been shipped by the Pheno-Septol Co. (Inc.), from Rochester, N. Y., on or about October 16, 1930, and had been transported from the State of New York into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

The product consisted essentially of small proportions of phenol, a salicylate, a borate, alcohol, a potassium salt, and flavoring materials such as benzaldehyde and menthol dissolved in water, colored with an orange-colored dye. Bacteriological examination showed that the product was not antiseptic when diluted as directed on the labeling.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels were false and misleading: (Carton) Antiseptic and Germicide * * * dilute as desired;" (bottle) "Antiseptic and Germicide * * * dilute as desired * * * dilute with one or two parts water as desired." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle label, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Used daily as a mouth wash and dentifrice, will preserve the healthy condition of the teeth; * * * in all cases of Sore Throat, Canker Sore Mouth, Tonsilitis, Laryngitis * * * As a nasal douche or spray for * * * Catarrh * * * Use freely as a wash, dressing or compress for all inflammations, * * * Boils, * * * Salt Rheum, Eczema, Bleeding or Itching Piles, * * * and all * * * inflamed conditions of tissue. For internal use, as in digestive disorders such as Typhoid Fever, Gastritis, Diarrhea or Dysentery."

On September 1, 1931, no claimant having appeared for the property and the court having found that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18939. Misbranding of Phen-Amy-Caps. U. S. v. 58 Packages, et al., of Phen-Amy-Caps. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27043, 27081. I. S. Nos. 38809, 38814. S. Nos. 5221, 5316.)

Examination of the drug product Phen-Amy-Caps showed that the labeling of the article bore statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess. The article contained phenacetin, a derivative of acetanilid, and failed to bear on the label a statement of the quantity or proportion of the said phenacetin contained therein, since the declaration was inconspicuously made in small type on the back of the box and did not include a statement to the effect that phenacetin is a derivative of acetanilid.

On October 6 and October 15, 1931, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 166 packages of Phen-Amy-Caps, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Franklin Laboratory from Portland, Me., on or about September 4 and September 5, 1931, and had been transported from the State of Maine into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Examination of a sample of the article showed that it consisted of capsules containing in each acetphenetidin (60 milligrams), amidopyrine (223 milligrams), caffeine (26 milligrams), and an extract of a mydriatic drug such as hyoscyamus.

It was alleged in the libels that the article was misbranded in that the label failed to bear a statement of the quantity or proportion of phenacetin contained in the said article, since the statement declaring the presence of phenacetin was not plainly and conspicuously made on the label and, further, in that the label did not bear a statement that phenacetin is a derivative of acetanilid. Misbranding was alleged for the further reason that the following statements appearing on the tin container and display carton, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "To Relieve Pain * * * Used In the Treatment of * * * Toothache, Neuritis, Rheumatism, Periodical Pains."

On November 9, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18940. Misbranding of Stevens Anti-Amebic dentifrice. U. S. v. 3 Dozen Packages of Stevens Anti-Amebic Dentifrice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26996. I. S. No. 37910. S. No. 5213.)

Examination of samples of Stevens Anti-Amebic dentifrice having shown that certain statements appearing on the label of the tube containing the article represented that it possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Pennsylvania the interstate shipment herein described, involving a quantity of the product located at Philadelphia, Pa.

On September 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen packages of the said Stevens Anti-Amebic dentifrice, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Stevens Medical Manufacturing Co., Brooklyn, N. Y., on or about August 29, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, soap, a gum, a small proportion of ipecac alkaloids, volatile oils including peppermint oil, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the tube, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For the Prevention and Treatment of Pyorrhea or Rigg's Dis-

ease * * * 1. Almost all tooth and gum troubles are due to Pyorrhea or Rigg's Disease. 2. Over half of all adult teeth lost, are lost through disease. 3. 95% of all adults have Rigg's Disease to some extent. 4. A remedy has been discovered in Ipecac and its Alkaloids. 5. Stevens Anti-Amebic Dentifrice contains this remedy in concentration for treatment and as a preventative. * * * Directions:—Use twice daily upon tooth brush."

On October 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18941. Misbranding of B-J-C capsules. U. S. v. 46 Boxes of B-J-C Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27107. I. S. No. 36848. S. No. 5336.)

Examination of a drug product, known as B-J-C capsules, from the shipment herein described, having shown that the box label bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On or about October 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 46 boxes of the said B-J-C capsules, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Cline Medicine Co., Poplar Bluff, Mo., on or about September 14, 1931, and had been transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained salol (2.6 grains per capsule), copaiba, santal oil, and sulphur.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the box label, were false and fraudulent: "Indicated in Cystitis, Gonorrhea or irritation of urinary Tract from any cause."

On November 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18942. Misbranding of Angell's cough syrup. U. S. v. 10½ Dozen Bottles, Small Size, et al., of Angell's Cough Syrup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26882. I. S. Nos. 36603, 36604. S. No. 5068.)

Examination of a drug product, known as Angell's cough syrup, from the shipment herein described having shown that the bottle and carton labels contained representations that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On or about August 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10½ dozen bottles, small size, and three-fourths dozen bottles, large size, of Angell's cough syrup, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by James R. Angell, New Orleans, La., on or about February 4, 1931, and had been transported from the State of Louisiana into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sugar, alcohol, water, and a small proportion of extract of a plant drug including tannin.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and bottle labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton, both sizes) "Cough and Whooping Cough Syrup * * * for Coughs * * * Bronchitis, Whooping Cough, Throat troubles.

* * * Bronchitis in its simple form, is an inflammation or irritation of the mucous membrane lining the air passages, manifested by hoarseness, cough, occasionally soreness in the chest. Whooping Cough is rather more violent and spasmodic than in ordinary colds, and not until ten to fourteen days does it assume the true distinctive form of whooping cough, with severe attacks of cough in rapid succession, followed by a deep inhalation or whoop, this disease, if uncured, will continue from six to twelve or even fourteen weeks. * * * Cough Medicine * * * Coughs * * * Whooping Cough and affections of the Bronchial Tubes. In the treatment of Whooping Cough it appears to not only quickly relieve the severity of the attack of spasmodic coughing but to practically limit it in its incipency if given when the disease is just beginning;" (bottle, both sizes) "Cough and Whooping Cough Syrup * * * For Coughs, * * * Bronchitis, Whooping Cough, and Throat Troubles. * * * Directions: * * * A full dose is a teaspoonful with or without water, and as improvement progresses give less frequently [similar directions in foreign language]."

On November 27, 1931, James R. Angell, New Orleans, La., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$75, conditioned in part that it be relabeled, and should not be sold or disposed of contrary to the Federal food and drugs act, and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18943. Adulteration and misbranding of Ergotole. U. S. v. 18 Bottles of Ergotole. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26972. I. S. No. 38030. S. No. 5186.)

Examination of the drug product Ergotole having shown that the article was represented to have the same potency as fluid extract of ergot, whereas it had a potency equivalent to not more than one-fifth of that required by the pharmacopoeia for fluid extract of ergot, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On September 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eighteen 1-ounce bottles of the said Ergotole, remaining in the original unbroken packages at Trenton, N. J., alleging that the article had been shipped by Sharp & Dohme (Inc.), from Philadelphia, Pa., on or about May 26, 1931, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the potency of 1 cubic centimeter of the article was equivalent to not more than one-fifth of the potency for fluid extract of ergot required by the United States Pharmacopoeia.

It was alleged in the libel that the article was adulterated in that it was sold under its own standard of strength, to wit, (circular) "Ergotole is biologically assayed by the cock's comb method and standardized to the same potency as the Fluidextract of Ergot," and the strength of the said article fell below such professed standard, in that its potency was less than so represented.

Misbranding was alleged for the reason that the statements appearing in the circular accompanying the article, "Ergotole is biologically assayed by the cock's comb method and standardized to the same potency as the Fluidextract of Ergot. The chief use for Ergotole is to excite uterine contraction and to check uterine hemorrhage. It is therefore indicated for use in the third stage of labor," were false and misleading when applied to an article the potency of which was less than that represented.

On October 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18944. Misbranding of S. B. Kitchel's liniment. U. S. v. 4 Dozen 16-Ounce Bottles and 2 Dozen 32-Ounce Bottles of S. B. Kitchel's Liniment. Default decree of condemnation, forfeiture, and destruction. F. & D. No. 27372. I. S. Nos. 37921, 37922. S. No. 5541.)

Examination of a drug product, known as S. B. Kitchel's liniment, from the shipments herein described having shown that the bottle labels and accompanying circular bore statements representing that the article possessed curative and

therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four dozen 16-ounce bottles and two dozen 32-ounce bottles of S. B. Kitchel's liniment, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the S. B. Kitchel Co., from Coldwater, Mich., on or about March 2 and August 28, 1931, and had been transported from the State of Michigan into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonia (4 per cent), sodium and potassium carbonates (1 per cent), traces of iron sulphate and tannin, and water (approximately 95 per cent).

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle labels) "For nervousness, exhaustion and sleeplessness * * * For rheumatism, all aches and pains * * * inflammations, etc., * * * It will heal rapidly and will not swell up or be sore. * * * For sore throat * * * lameness, etc. * * * For thrush * * * For contracted feet * * * For sore throat and thick glands * * * for bad legs and lameness;" (circular) "One often prefers to endure affliction * * * Kitchel's Liniment * * * approaches * * * a universal panacea * * * 'We have used liniments, and medicated oils, salves and ointments, pain cures, pain killers and rheumatic remedies but never anything equal to Kitchel's Liniment.' * * * For Rheumatism, Lameness, Stiff Joints, * * * Lame Back, Salt rheum, * * * Wounds, * * * Toothache, * * * Sore Throat, * * * Itch, Dandruff, * * * Contracted Muscles, all Pain and Inflammation. Directions—For Rheumatism, * * * Aches, Pains, * * * while swelling or pain lasts. * * * for all * * * injuries * * * But it is rarely used on beasts full strength unless * * * there is deep seated lameness. Remember always, that some injuries require stronger applications than others, * * * For Sore Throat * * * For Hair * * * It * * * prevents it from falling * * * its equal in producing power of endurance and quick action of muscles is absolutely unknown to the athletic profession."

On January 12, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18945. Adulteration and misbranding of ether. U. S. v. Fifteen 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26303. I. S. No. 22069. S. No. 4617.)

Examination of 10 cans of ether from the shipment herein described showed that peroxide, a decomposition product, was present in 4 of the cans examined, and that aldehyde was present in 1 can.

On April 28, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifteen 1-pound cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the New York Quinine & Chemical Works, from Brooklyn, N. Y., on or about March 11, 1931, and had been transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P.," was false and misleading.

On September 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18946. Misbranding of Servex. U. S. v. 144 Small Sets, et al., of Servex. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26893. I. S. No. 11160. S. No. 5078.)

Examination of a drug product, known as Servex, from the shipment herein described having shown that the labeling contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On August 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 144 small sets and 24 regular sets of the said Servex, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Burnham-Snow Products Co., from Hollywood, Calif., on or about June 3, 1931, and had been transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid (86 per cent), oxyquinoline sulphate, and quinine sulphate, perfumed.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (On inside cover) "Leucorrhea should be treated by the use of Servex each night until relieved, * * * To prevent infection, use Servex before exposure;" (circular) "Your Health, Madam! * * * These are days of frankness, * * * Of utmost importance are the facts of how safely to protect yourself from infection that may lead to unhappiness, loss of health and, perhaps, disease. * * * Thousands of such women are finding new freedom, an end to ill health, and revived zest in life through use of the modern vaginal powder, Servex. * * * For the truth about this harmless, vaginal protective powder * * * Use Servex before retiring for treatment of Leucorrhea and other vaginal infections. * * * Seventy-Five Per Cent, * * * three out of every four, women suffer from various degrees of pelvic congestion. This congestion causes a feeling of weight and discomfort. It drains vitality and brings discord to the nervous system. Neglected, it insidiously wears down resistance and prepares the way for serious disorders. One of the most frequent results of this condition is leucorrhea. Leucorrhea is due usually to an ulceration at the mouth of the womb, and is a frequent cause of discharge which, in the most distressing cases becomes very profuse and is accompanied with burning and itching sensations. Servex, because of its action, aids nature to correct these conditions. * * * It relieves congestion and is particularly effective in the treatment of leucorrhea. For years physicians have treated such conditions over prolonged periods of time through the use of tampons, suppositories, douches and various local applications. The need for these trying treatments may be prevented through the use of Servex. * * * is recommended by many physicians, as a healthful and helpful stimulant. * * * Your health, madam, is the reward of intelligent attention to personal hygiene."

On December 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18947. Misbranding of Pabst's Okay specific. U. S. v. 120 Bottles of Pabst's Okay Specific. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26988. I. S. Nos. 38409. S. No. 5190.)

Examination of a drug product, known as Pabst's Okay specific, from the shipment herein described having shown that the bottle and wrapper labels and the accompanying circulars contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On September 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 120 bottles of the said Pabst's Okay specific at San Juan, P. R., alleging that the article had been shipped on or about July 17, 1931, by the Pabst Chemical Co., Chicago, Ill., to San Juan, P. R., that it was being sold and offered for sale in Puerto Rico by J. M. Blanco (Inc.), San Juan, P. R., and that it was misbranded in violation of the food and drugs act as amended.

Analysis of samples of the article showed that it consisted essentially of cubeb oil, copaiba oleoresin, buchu extract, uva ursi extract, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the bottle and wrapper labels and in the accompanying circulars, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "O. K. Okay Specific;" (wrapper) "O. K. Okay Specific * * * Take it and you will not be disappointed Absolutely Safe;" (small circular, entitled "The Okay Tonic") "Men * * * who had just completed a treatment with our Okay Specific and felt the need of just such a medicine to overcome the after-effects of acute infections. * * * these patients, * * * following a siege of debilitating sickness. * * * 'Tonic' is not to be taken at the same time you take the 'Okay Specific.' When you are through with the treatment for Gonorrhea and Gleet, then we would advise you to take some of our 'Okay Tonic' * * * It has a soothing effect on the * * * organs that were affected by your recent illness. * * * Do not confuse the Okay Tonic with the Okay Specific. It is not to be taken instead of the Okay Specific, but as an After Treatment. When you have been cured of the Gonorrhea, then use The Okay Tonic [similar statements in several foreign languages]." (large circular, entitled "Pabst's Okay Specific") "Take the medicine regularly in full doses without interrupting the treatment until satisfactory results have been obtained; continue taking the medicine for fifteen days after all outward signs have disappeared. * * * Chronic Cases Pabst's Okay Specific is especially beneficial in chronic cases. These cases, which are usually of long standing, * * * generally disappear after using Okay Specific. Of course, it must not be expected that a case of many years' standing will disappear after taking one bottle of the medicine; very old cases may require more time and longer treatment, and several bottles, sometimes four or five of the medicine may have to be taken before satisfactory results are obtained. * * * the case is one of long standing, continue for ten to fifteen days with full doses after all outward signs have disappeared, and then ten to fifteen days more in gradually diminished doses. [Similar statements in several foreign languages.]"

On November 28, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18948. Misbranding of Seelye's Wasa-Tusa. U. S. v. 47 Small-Sized Bottles, et al., of Seelye's Wasa-Tusa. Default decree of destruction entered. (F. & D. No. 26734. I. S. Nos. 25526, 27474. S. No. 4840.)

Examination of a drug product, known as Seelye's Wasa-Tusa, from the shipments herein described having shown that the bottle labels bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On July 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 47 small-sized bottles and 37 large-sized bottles of the said Seelye's Wasa-Tusa, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the A. B. Seelye Medicine Co., from Abilene, Kans., in various consignments, on or about January 8, March 5, and May 12, 1931, and had been transported from the State of Kansas into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of chloroform, ether, ammonia, alcohol, a volatile oil such as camphor oil, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the therapeutic or curative effects of the said article, appearing on the bottle labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Both-sized cartons) "Rheumatic Pains, Sore Muscles, Lame Back, * * * Headache, Neuralgia, Toothache, Earache, * * * Sore Throat, LaGrippe, Colic, Diarrhoea, Cholera Morbus * * * Colic in Horses, Bloating and Diarrhoea in Cattle, Cholera and Diarrhoea in Poultry;" (large carton) "The Famous Pain Relief * * * Tonsilitis, * * * Pain in the Stomach and Bowels, Soreness in the Kidneys."

On November 6, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18949. Misbranding of Tolysin tablets. U. S. v. 11 Dozen Boxes of Tolysin Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26828. I. S. No. 5794. S. No. 4992.)

Examination of a drug product, known as Tolysin tablets, from the shipment herein described having shown that the package label bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On August 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 dozen boxes of the said Tolysin tablets at San Juan, P. R., alleging that the article had been shipped by the Calco Chemical Co. (Inc.), Bound Brook, N. J., on or about June 15, 1931, to San Juan, P. R., and that it was being sold and offered for sale in Puerto Rico by J. M. Blanco (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample taken from this consignment showed that the article consisted of neocincophen (0.31 gram per tablet), starch, and talc.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the package, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For gout, rheumatism, rheumatic fever, arthritis, neuralgia, neuritis, sciatica, lumbago, painful inflammatory conditions, etc; also for headaches due to * * * menstrual disorders."

On November 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18950. Misbranding of Reducine. U. S. v. 40 Cans of Reducine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26922. I. S. No. 35831. S. No. 5136.)

Examination of a drug product, known as Reducine, from the shipment herein described having shown that the can and carton labels and an accompanying booklet contained statements and designs representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On September 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 cans of the said Reducine, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Reducine Co., Allegan, Mich., on or about March 6, 1931, and had been transported from the State of Michigan into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium carbonate, soap, potassium iodide, a compound of iron, wood tar, and water, flavored with aromatics.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and can labels and in the accompanying booklet, together with certain pictures and designs appearing in the

said booklet indicating the disease conditions for which the product was recommended as a treatment, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Can label) "Reduce the Humane Treatment A Preparation for Lameness, Sore, Worn, Wounded and Blemished Horses and all other Animals. For Certain Uses of Human Beings;" (carton) "Reduce;" (booklet) "Reduce A Veterinary Preparation for Lameness, Sore, Worn, Wounded and Blemished Horses and all Other Animals, and for Certain Uses by Human Beings."

* * * For most kinds of lameness and for reducing all enlargements, * * * If, when the new coat of hair has well started to grow, the enlargement is not entirely removed, another course should be given. * * * Always treat the hoof if the horse is lame—as well as treat the lame place at the same time. * * * The above cut shows the shape and location of the lungs and kidneys. In treating any disease of these organs where a poultice or other external application is indicated, Reduce will be found unequalled for this purpose. * * * Bone Spavin * * * Any method of treatment which causes pain retards the cure of any case, be it horse or man. * * * Bog or Blood Spavin and Thoroughpin * * * Dropsical * * * or tumors * * * The treatment of a hock, afflicted with either Bog Spavin or Thoroughpin or both, is the same in all cases. The action of Reduce must reach the synovial sac or capsule to make a complete, perfect and permanent cure. * * * Tendinous Thoroughpin * * * Sprung Knee, Cocked Ankle, or any foot lameness. Always treat the foot of a lame horse—No Matter Where He Is Lame. * * * for thrush and for navicular disease, brittle hoofs, hoof-bound and contracted hoofs. * * * Sidebone * * * Seedy Toe * * * Chronic Cracked Heels * * * Shoe Boil * * * Lameness of the Coffin Joint—Navicular Lameness * * * Shoulder Lameness * * * Sweeney * * * Fistula of Withers and Poll Evil * * * Sore Neck—Shoulders—Back * * * Splint * * * A splint will retain its size and shape until the action of Reduce has dissolved the deposit—as water would a cube of sugar—until it breaks down, disintegrates and is absorbed. * * * Buck-shin * * * Capped hock * * * Big Knee * * * Nothing will remove the soreness, relieve the pain or heal any wound as quickly as treatment with Reduce. * * * Distemper, sore throat, shipping fever, yard fever, and nearly every sort of throat trouble will usually yield quickly to treatment with Reduce. Barb Wire Cuts and All Fresh Wounds * * * The wound, in ordinary cases, will heal by first intention, the pain will be relieved instantly; there will be no infection, no proud flesh and there will be left the least possible scar. * * * Osselets * * * Split Hoof * * * Nail in Foot * * * need cause the horse little or no lameness and no serious results should follow. This is a fact, yet another fact is that thousands of horses die every year from lock-jaw caused by nail wounds, while other thousands develop quittor or other complications and suffer all the tortures of purgatory—and then some—and are lame for days, unable to work. All this suffering—all this loss of service, all these complications, all possibility of lock-jaw may be avoided to an absolute certainty if these directions are followed. * * * No germs of any kind can live an instant where Reduce is applied. Reduce will help to heal the wound from nail or calk wounds in the quickest possible time. There can be no infection. There will be no proud flesh in calk wounds, * * * be insured, by having a can of Reduce always on hand * * * Stifle Lameness and Luxation of the Patella * * * so that the weak or strained ligaments may contract and become strong enough to hold the patella in position. * * * the formation of very soft tumors on the stifles of young foals. The latter will usually yield to a ten-day treatment with Reduce. Kicks or other injuries to the stifle should be immediately treated with Reduce * * * Curb is the easiest of all the blemishes which Reduce is called on to repair. * * * relieve the pain, reduce the swelling and inflammation, and prevent formation of a permanent enlargement. * * * For old curbs * * * Bowed Tendon * * * Windpuffs * * * The articular * * * usually yields to treatment, though the common garden variety of windpuff is the most difficult of all ordinary blemishes to remove. * * * a little old windpuff may take longer to completely remove than the biggest shoe boil or the most enormous bog spavin you ever saw. * * * Warts * * * Barber's Itch—Ordinary Itch—Ordinary Skin Eruptions—Pimples—Eczema—Scald Head—Ringworm—Dandruff—Scaly Eruptions on Skin or Scalp. Diseases of the human skin or scalp, where these diseases are caused by parasites or fungus, will often yield to one single application of Reduce. No injury to the most delicate skin can result. All the cosmetics,

lotions, washes and special preparations on the market combined will not produce results so certain and satisfactory as Reducine in these cases. Fresh cuts and bruises on human flesh will heal as if by magic if Reducine is applied directly into and around the cuts and all over the bruises. No infection can occur if Reducine is applied freely at once. Nothing else will so quickly subdue the pain, stop the bleeding, remove the soreness and heal the injury. Mange Dog—Horse * * * Sprung Knees—Cocked Ankles * * * To cure a knee-sprung horse, treat his feet. * * * and every horse will have good feet, if you follow these simple directions. * * * Gout—Rheumatic Swellings * * * Reducine will relieve most cases of gout more quickly and certain than any other treatment. Saturate absorbent cotton with Reducine and do up the aching member with it. You may sleep to-night and probably as soon as to-morrow you may wear a shoe. * * * Scratches, Mud Fever, Malleders and Sallenders * * * Corns * * * Saturate cotton with Reducine and press between the web of the shoe and the corn, then treat the foot with Reducine as directed for contracted hoof. * * * Thrush * * * will kill every thrush germ. If the hoof is contracted in the least, a new hoof must be grown before the horse will be sound. See directions for treatment of contracted hoof. * * * Quittor * * * Fill the abscess with Reducine once in three or four days. Do not wash out the sore after the first time. * * * Castration of horses or other animals should be immediately followed by a dressing of Reducine. Dehorning and every sort of Surgical Operations on animals and minor operations on human beings should be treated with Reducine. * * * Navel Infection Will you remember that one application of Reducine will prevent, to an absolute certainty, navel infection in young foals? Thousands of valuable foals die every year from navel infection—others that survive are stunted and suffer from swollen knees, stifles, etc. Insure every foal against infection by applying Reducine to the navel as soon as it is born. * * * [Testimonials in booklet] 'Several years ago, I was greatly troubled with articular rheumatism in the joints of my fingers. My physician gave me a small pot of black ointment which worked almost like magic. Before using it, I could hardly use my instruments, but after applying it a few times the soreness and pain disappeared. Then the doctor told me it was Reducine and since that time I have used Reducine for several purposes not mentioned in your advertisements or booklet and in every case with uniform success. For instance, I have used it for caries or decay of the jaw bone caused by neglected ulcerated teeth. Also, in many cases of pyorrhea which, in its early stages, often causes severe swelling of the gums. * * * I have used your Reducine on horses with good results. I see you recommend it for piles. Please write me in regard to treatment of piles. * * * a bad swelling. * * * Now I have a spring colt that had navel trouble and it settled in her front foot. Pus ran from this swelling for a long time and the joint is large. Do you think that Reducine would be the thing to use in this case? * * * a case of fistula. * * * I want to write to you and tell you what Reducine had done for me. Several years ago, I had a small purple colored puffy looking place come on my face. I tried several kinds of treatment but it kept getting larger until it was half as large as a nickel. I used several applications of Reducine and completely cured it. Everyone thought it was a cancer. I cannot thank Reducine enough. I have a goitre which is bothering me considerably. Would you advise using Reducine on it? A doctor told me that a goitre was an enlarged gland so why won't Reducine reduce the gland? Please let me know. We have used Reducine for the stock for several years and we think there is nothing as good. * * * Have taken off all kinds of knots and enlargements and * * * I have taken off splints, bogs, curbs, ringbones, cured bad tendons, big knees, shoeboils, sore shoulders, sore throat, sweeney, foot rot and thrush. * * * If you remember sometime ago we wrote you about a friend of ours, Mr. * * * that had rheumatic gout and went on crutches just as the picture shown in your booklet. We begged and prevailed on him to use Reducine * * * and if it did him no good, it would not cost him one cent. He asked his doctor about it and after a while he consented to use it. We put it on him ourselves. It worked slow but after a while he put his crutches aside and used two canes and little later on used only one cane and today, to our surprise, he was walking around town with no cane. He is a pretty fair jig dancer and today he could get out on our floor and dance a jig. Before using this treatment, he could not sleep one-half of the night and now his wife has trouble to get him up. We must say it is the greatest improvement we ever saw. We find Reducine a great remedy. All you have to do is to give it time and it will do the work. We are selling quite a lot of it down in North Caro-

lina. * * * He had taken distemper and his throat was swelled up as full as the skin would hold, and the swelling was very hard and feverish. I used Reducine on him and in 24 hours the swelling was all gone away. I have used it in many other cases, all with good results. * * * ruptured a suspensory ligament, * * * Please send me one can of Reducine by parcel post, C. O. D., at once. I have cured two men of eczema. One had it five years and paid \$100 to the doctors; the other had it three years; and now they say they are both cured. * * * In the Actimonycosis cases treated with Reducine: The first is all right, and the second is on its third application, with good hopes of relief. The cow was neglected to the last moment. * * * The swelling is getting soft and is disappearing. * * * I believe by injection we can cure anthrax. Here in this part of the South in the last few years we have lost many cases. * * * Will Reducine cure eczema? I have seen no testimonials to that effect, but would like to know if possible. Also state the effect it would have on the skin. Kindly send me your latest booklet. Last summer I got a part of a can from my neighbor to put on my horse that had a bad case of mange, and it surely did the trick, after everything else failed. * * * I have a peculiar case. About a year ago I had a growth start on my left breast. It got almost as large as a walnut and finally got to hurt me from a jar. I had a doctor examine it and he said he did not like the looks of it, but would not say what it was. I asked him if there was any medicine that might scatter it and he said "No." He said I would have to have it cut out and then said I might use iodine, although he had no faith in it. So I used iodine, with no results. I had used Reducine for years with great success, so I told him about that and he laughed and said nothing. I had a little left in a can that was about three years old. In thirty days the swelling was smaller. The doctor said it was smaller, but said he had no confidence in the Reducine curing it. I bought a new can from J. B. Sickles, of St. Louis, and have used from it fourteen days and the swelling is almost completely gone. I can only feel it at times. It is so much smaller than it was that I think it will soon be completely gone. The doctor, I feel certain, thinks it was a cancer of some kind, but refused to tell me what his opinion was. I am naturally a great friend of Reducine. Reducine is certainly a perfect preparation for the treatment of piles. * * * have had still another remarkable cure on a horse with blood poisoning in the hind leg. It left him with a very much enlarged leg from hoof to hock, but with one 10-day treatment it was now normal again. * * * It stopped the catch in the stifle. * * * I have a four-year old colt which I bought at two years old with a lump on the left side, low down and just behind the girth place. This horse has had this lump since before I bought him and it gets no bigger and no smaller. It doesn't pain him in the least, but still it is a blemish, and he doesn't need it in his business. The lump is rather hard, and I expect would be called by a Vet. a fibroid tumor, but I don't know. Reading your little book the other day I began wondering whether it could not be treated somewhat as you advise treating a shoe boil and removed in that way. * * * Enclosed find P. O. Money Order for \$5.00 for which please send me one can of Reducine. I have used a number of cans of Reducine and never without good results. I have a mare that had mange until her hair came off in blotches. She now has a fine glossy coat. Another had a small rupture and Reducine healed it perfectly. Still another had a hard growth on his shoulder of a year's standing. Reducine removed it completely. The trouble this time is a growth on the elbow of my left arm that baffles the doctors. One doctor helped it by electric treatments for a time. Since I quit his treatment, the growth has returned and is very painful and it makes my elbow stiff so I can scarcely tie a four-in-hand tie and my arm is so lame I can hardly raise it above my head. I have used Reducine on my person for small troubles with satisfaction. What do you think of it for the trouble I have described? * * * I had a very good horse with two ringbones, one on each front foot. He could not limp but was awfully stiff and sore. I cured them with one treatment with Reducine and sold him later, perfectly sound. I have cured curbs completely and removed lots of other bunches. * * * While Reducine is a veterinary preparation, it is also the Remedy for Eczema, even on the tender babe. My babe had a standing eczema for about ten months; also used special eczema remedies but nothing cured. A friend told me to try Reducine; it was a horse medicine but he thought it would cure if anything would. My husband wasn't much in favor of it but I had become desperate and tried it. My baby was much relieved by the first application and has been perfectly well of the eczema now for about two months. Because I love to help whoever I can, whenever I can, is why I write these few lines. * * * My mare had

windpuffs and a bog spavin of two years' standing, and it was a very bad case. Her hocks and fetlocks were enlarged to about twice their normal size. When she worked on the farm half a day, next day she could hardly walk. I tried several medicines, but they failed. I used a can of Reducine and with one course I cured her of all lameness and the enlargements are completely absorbed. Since using Reducine I have worked her constantly in the field and have worked her some on the roads besides, and she never has shown any sign of lameness. I am more than glad I found Reducine. This same mare became sick the latter part of May with what they called here "poison glands." The glands in her throat swelled to great size. Many horses have died with this disease within the last year, and I do not know of any other case, except my mare, that has recovered, all others having died that contracted the disease in this vicinity. I treated my mare with Reducine and she began to improve after two days. At the end of about fifteen days the swelling had entirely disappeared and the mare is entirely well and sound. Enclosed find money order for \$4.25 for which send me another can by prepaid express, as I wish to have some on hand at all times. * * * I have been a user of Reducine on live stock for a great many years, and I am going to ask you rather an intimate question and see if you can help me. I have myself, for the last four years, had a very mean cough, apparently not the result of a cold, as my physician tells me, a little thickening of the membrane deep down in my throat. He tells me that practically nothing can be done except to spray it from time to time which I find does not give me permanent relief. I have a feeling that Reducine applied to my throat, would be a material benefit at least and would like to try it but before doing so, I thought I would write you and see if you can give me some advice on the subject. Is there any diluted form which would be good for human beings instead of the strong form for live stock? * * * I have been using your Reducine for some time with great results. I used it on a horse that was kicked with a never-slip shoe. It let the joint water out. I doctored with a V. S. for about two months without results. I got a can of Reducine and the first application dried it up at once and it healed perfectly. I notice in your booklet where Reducine has been used for goitre. Have you any special instructions for using Reducine on goitre? I have a friend who had had a goitre for about 24 years, I would like to get relief for her."

On November 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18951. Misbranding of Dr. Hobson's whooping cough syrup. U. S. v. G Dozen Bottles of Dr. Hobson's Whooping Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26978. I. S. No. 38404. S. No. 5164.)

Examination of Dr. Hobson's whooping cough syrup from the shipment herein described having shown that the carton label and the accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On September 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six dozen bottles of the said Dr. Hobson's whooping cough syrup at Aguadilla, P. R., alleging that on or about April 1, 1931, the article had been shipped by Wm. R. Warner & Co. (Inc.), New York, N. Y., to Aguadilla, P. R., that it was being sold and offered for sale in Puerto Rico by Jose Ferrari (Farmacia y Drogueria Font), of Aguadilla, P. R., and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, tar, extracts of plant drugs including aromatic drugs, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton label and in the circular, together with similar statements in foreign languages appearing in the said circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Whooping Cough Syrup * * * Strength Health Happiness * * * For the Relief and Treatment of Whooping Cough;" (circular) "Whooping-Cough Syrup * * * For the treatment

of Whooping-Cough * * * Whooping-Cough, which results from a specific infection, is characterized by a severe convulsive cough which ends in a whoop. * * * Dr. Hobson's Whooping-Cough Syrup combines several effective expectorants. It is pleasant to the taste and is taken by children without protest. Administer Dr. Hobson's Whooping-cough Syrup according to directions to relieve the tickling sensation in the throat and to aid in the expulsion of the mucus. Repeat the required dose every hour if needed that its effect may be continuous."

On November 28, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18952. Misbranding of Gliperol. U. S. v. 24 Bottles of Gliperol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26935. I. S. No. 38406. S. No. 5141.)

Examination of a drug product, known as Gliperol, from the shipment herein described having shown that the circular accompanying the article contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On September 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 bottles of the said Gliperol at Aguadilla, P. R., alleging that the article was in possession of Jose Ferrari, Aguadilla, P. R., and was being sold and offered for sale in Puerto Rico, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, calcium, sodium, and potassium hypophosphites, menthol, traces of chloroform and a terpene, wild-cherry extract, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular accompanying the article, regarding its curative or therapeutic effects, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Griperol Against Cough, Hoarseness, Bronchitis, Catarrh, dry or fluid, recent or chronic. Griperol is of great medicinal value. At the same time that it successfully combats the Bronchio-Pulmonary affections, it restores the Organism."

On October 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18953. Misbranding of Tabonucol Pectoratol. U. S. v. 24 Bottles of Tabonucol Pectoratol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26923. I. S. No. 38402. S. No. 5114.)

Examination of a drug product, known as Tabonucol Pectoratol, from the shipment herein described having shown that the bottle label and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On September 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 bottles of Tabonucol Pectoratol at Aguadilla, P. R., alleging that the article was in possession of Jose Ferrari, Aguadilla, P. R., and was being sold and offered for sale in Puerto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of codeine, guaiacol, eucalyptol, plant extractives, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that certain statements appearing in Spanish on the bottle label and in the circular, of which the following is a translation, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no

ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Pectoratol * * * Reconstituent Balsamic Tonic for the Broncho-Pulmonary Apparatus. * * * Combined with a powerful antiseptic and a tonic of the Respiratory Apparatus. Invaluable for the treatment of diseases of the Throat, Bronchi and Lungs. * * * Ideal Balsamic and Reconstituent Preparation for Bronchial and Pulmonary Affections, such as, Sore Throat, Hoarseness, Bronchitis (Acute or Chronic) Initial Grippe, Catarrhs in General, etc. Promotes expectoration and relieves the pains caused by congestion of the lungs;" (circular) "Pectoratol * * * Reconstituent Tonic for the Respiratory Tract * * * A positive reconstituent for the Broncho-Pulmonary Apparatus, * * * is a powerful antithermic in Catarrhal and Pulmonary Fevers * * * As a Pulmonary Antiseptic, Guaiacol is recommended by all leading physicians of the world. * * * Eucalyptol * * * it is employed with success for the treatment of Catarrhal and Pulmonary Fevers. * * * Pectoratol * * * A Rational Preparation the Practical Results of which for the Treatment of Chronic Bronchitis, Bronchorrhea, Asthma, Incipient Phthisis, Pulmonary Catarrhs, Grippe, * * * Cough, Hoarseness, etc."

On October 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18954. Misbranding of Lactomulsion. U. S. v. 30 Bottles of Lactomulsion. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26933. I. S. No. 5800. S. No. 5115.)

Examination of a drug product, known as Lactomulsion, having shown that the carton label and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On September 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Lactomulsion at Aguadilla, P. R., alleging that the article was in possession of the W. I. Patent Medicine Co., Aguadilla, P. R., and was being sold and offered for sale in Puerto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was an emulsion of cod-liver oil to which had been added calcium lactophosphate, guaiacol, and tolu.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton label and in the circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Catarrhs, Cough and Grippe * * * it is a powerful aliment during the growth. Strengthens the debilitated organism and makes thin persons increase in weight. Very useful after diseases for restoring the organism;" (circular) "Indicated in cases of thinness * * * and for persons with a propensity to contract tuberculosis. * * * It is employed in catarrhs, hoarseness, grippe, * * * laryngitis, bronchitis, etc. Strengthens the body through all ages of life, making new blood and strong muscles. * * * is the reconstituent tonic for excellence. Under the treatment * * * during the initial periods of the diseases of the chest, the following is noted: 1- The prostration, headache and dizziness due to anemia, are alleviated; the weight sensation in the stomach disappears. 2- Breathing will be more easy and vigorous; a symptom of good pulmonary air inhalation. 3- The skin recovers its lost color; the tissues become more resisting; digestion will cause no trouble. 4- During the insipient state of the acute inflammations of the lungs, you may confide that this preparation will modify the seriousness of the case and will shorten its duration. 5- The appetite increases, inertia disappears, and the patient is invaded by a mysterious strength of vital energy. 6- Sleep becomes sound, the uneasiness is followed by a repair repose. 7- The radioactive strength will be revealed with notable potency; a sure symptom of a rapid recovery from the daily waste. 8- The increase is from one to six kilograms and even more if its use

is continued for several months after the disease has passed. 9- The noise in the ears, palpitations, tiredness, nervous exhaustion, pains in the sides and other symptoms disappear promptly. 10- The muscular development becomes evident, and happiness and optimism follow the exhausting and depressing neurasthenia thus proving by these phenomena that * * * is of undoubted value for combatting the debilitating diseases."

On October 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18955. Misbranding of Remedio Indiano. U. S. v. 24 Bottles of Remedio Indiano. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26926. I. S. No. 38405. S. No. 5113.)

Examination of a drug product, known as Remedio Indiano, having shown that the labeling contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On September 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 bottles of Remedio Indiano at Aguadilla, P. R., alleging that the article was in possession of Jose Ferrari, Aguadilla, P. R., and was being sold and offered for sale in Puerto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium, sodium and strontium iodides and salicylates, extracts of plant drugs, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, translation) "Indian Remedy Anti-Rheumatic. Valuable Depurative that may be administered for the efficacious and rapid treatment of Rheumatism in all its forms, Gout, Lumbago and Sciatica;" (carton label, translation) "Indian Remedy against Rheumatism. The best preparation that may be administered for the efficacious and rapid treatment of Rheumatism in all its forms, gout, lumbago and sciatica;" (circular, translation) "Indian Remedy against Rheumatism. The tortures caused by Rheumatism to humans are unbearable and there is nothing more efficacious and appropriate for treating them than the Indian Remedy. The Indian Remedy against Rheumatism is a valuable compound expressly prepared for treating rheumatism in all its forms, especially in its acute forms, in which it always gives excellent results, when other remedies failed. It is a good thing to know that the Indian Remedy against Rheumatism owed its good name to the fact of being composed of marvelous native plants which were used by the Indians as a real Panacea in treating rheumatism and with which efficacious drugs of modern therapeutics have been associated, furnishing all these combinations as a result, a real specific for eliminating all kind of rheumatic pains. It also acts as an energetic depurative, clearing the blood from all toxins or impurities and by fortifying the entire system. We want to make it clear that whenever the Indian Remedy is used according to the instructions given below, the results to be obtained will be most satisfactory. Rheumatism in the bones, acute articular rheumatism, muscular rheumatism, lumbago, sciatica, neuralgia, pains in the head, trunk and back, partial paralysis, etc., will find their most formidable enemy in it. The beneficial effects will be felt a few days after having begun the use of the Indian Remedy and a week later a complete cure is effected. Thousands of patients owe their lives and health to the use of the famous Indian Remedy. We are constantly receiving testimonials praising and thanking us for our splendid undertaking in having placed within the reach of all persons this marvelous remedy. Method of Using."

On October 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18956. Misbranding of Hy-Ko. U. S. v. 26½ Dozen Small-Sized Packages, et al., of Hy-Ko. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26271. I. S. No. 11114. S. No. 4544.)

Examination of the drug product Hy-Ko showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the label. The article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein.

On April 21, 1931, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 dozen small and 3 dozen large-sized packages of Hy-Ko. On April 30, 1931, the libel was amended to cover 26½ dozen small-sized packages and 7½ dozen large-sized packages of the product. It was alleged in the libel as amended that the article had been shipped by Hy-Ko (Hy-Ko Co.), from Longview, Wash., on or about September 15, 1930, that it had been transported in interstate commerce into the State of Oregon and remained in the original unbroken packages at Portland, Oreg., and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of benzoic acid (5.9 per cent), alcohol (by volume, 11.4 per cent), sugar, and water.

Misbranding of the article was alleged in the libel for the reason that it failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements appearing on the labels, regarding the curative and therapeutic effects of the article, were false and fraudulent: "For relief of * * * Grippe, Hay-Fever, Chills, Fever and Muscle Aches. As a preventive."

On October 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18957. Adulteration and misbranding of fluid extract ergot. U. S. v. Seventy-one 4-Ounce Bottles of Fluid Extract Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26198. I. S. No. 12872. S. No. 4523.)

Examination of samples of fluid extract ergot from the shipment herein described having shown that the article had a potency of approximately one-fifth of that required by the United States Pharmacopoeia for fluid extract of ergot, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On April 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seventy-one 4-ounce bottles of fluid extract ergot, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by John Wyeth & Bro. (Inc.), from Philadelphia, Pa., on or about January 17, 1931, and had been transported from the State of Pennsylvania into the State of California, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by tests laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Physiologically Standardized Fluid Extract Ergot U. S. P. 10th Revision," was false and misleading.

On November 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18958. Adulteration and misbranding of Molo. U. S. v. 12 Dozen 3-Ounce Bottles, et al., of Molo. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27006. I. S. No. 22316. S. No. 5212.)

Examination of a drug product, known as Molo, from the shipment herein described showed that the labeling of the article bore statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess. The article was further represented to be antiseptic, whereas it was not.

On October 2, 1931, the United States attorney for the Western District of Washington, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 dozen 3-ounce bottles, 83 dozen 7-ounce bottles, and 60 dozen 16-ounce bottles of Molo, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by McKesson Western Wholesale Drug Co. (Ltd.), from Los Angeles, Calif., on or about May 28, 1931, and had been transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc chloride and iodide, glycerin, alcohol (6 per cent), a pink coloring matter, and water. No free iodine was present. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under its own standard of strength, namely, as being an iodine antiseptic, whereas the strength of the said article fell below such professed standard, in that it was not antiseptic.

Misbranding was alleged for the reason that the following statements, appearing on the bottle label and in a booklet accompanying the article, were false and misleading: (Bottle) "The Iodine Mouth and Throat Antiseptic;" (booklet) "Molo the approved Iodine Antiseptic Employs the Iodine Principle of Oxidization and Disinfection * * * Since the discovery of Iodine in 1812, its great importance in surgery and as a preventative of infection has become universally recognized by the medical profession. In the past, many mouth lotions have depended for their efficiency practically solely upon their alcohol content upon which have been based their bactericidal and antiseptic properties, says a recent report of the American Medical Association. This excessive use of alcohol has resulted in, says this same authority, an extravagant and inefficient antiseptic. * * * Molo Iodine Mouth and Throat Antiseptic * * * Iodine has stood the test of time as an Antiseptic * * * The Iodine Antiseptic Mouth and Throat Protection * * * The Antiseptic qualities of Molo may be assisted by the use of hot water, especially in gargling, * * * Molo as an antiseptic agent, both before and after dental surgery, has no equal. * * * Molo's Iodine content is antiseptic." Misbranding was alleged for the further reason that the following statements appearing in the said booklet, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Employs the Iodine Principle of Oxidization and Disinfection and Successfully Applies it to Mouth and Throat Protection * * * Molo insures surgical cleanliness in the mouth and throat, the first foothold of all disease. Guard the Precious Years with Mouth and Throat Protection * * * Mouth & Throat Protection Beauty! Health! Guard them with Mouth and Throat Protection * * * Sore Throat or Tonsillitis * * * Nasal Catarrh * * * Hay Fever. Hay Fever may be relieved by the use of equal parts of Molo and warm water used as a spray. Best results may be obtained if eyes are bathed with weak Molo solution * * * Molo will relieve the most stubborn case, * * * Daily use of Molo will keep your teeth and gums in a healthy condition. * * * Pyorrhea Use Molo and equal parts of warm water daily for immediate relief. * * * Tender, Spongy, Bleeding Gums Use one part Molo to three parts of water three or four times a day until relieved, thereafter twice daily. * * * First Aid to Health * * * Healthy Mouth Throat Protection * * * '95% of most infectious diseases enters through the mouth or throat.'"

On October 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18959. Misbranding of Gonolin. U. S. v. 12 Packages of Gonolin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25171. I. S. No. 7623. S. No. 3416.)

Examination of a drug product, known as Gonolin, from the shipment herein described having shown that the carton label and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On September 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 packages of the said Gonolin at Chicago, Ill., alleging that the article had been shipped by the Lipoidal Laboratories, from New York, N. Y., April 25, 1930, and had been transported from the State of New York into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a magnesium compound, phosphates, iodide, extracts of plant material, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and in the accompanying circular, were false and fraudulent, and in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers and create in the minds of such purchasers the impression and belief that it was composed of or contained ingredients or medicinal agents or combinations, effective as a remedy for the diseases, ailments, and afflictions mentioned upon the said carton and in the said circular: (Carton) "Gonolin Proto-Enzyme Treatment for Gonorrhea. * * * The length of treatment will vary with the general health of patient previous to the infection and in accordance with the virulence of the infection, some cases responding in from 10 to 12 injections, others requiring 24 to 36 injections. During the early stages of treatment with Gonolin the discharge will probably be increased, but will gradually decrease and finally disappear entirely. * * * In chronic cases results depend upon duration of infection and involvement;" (circular) "In the treatment of Gonorrheal Infection with Gonolin, the best result is obtained if the same or similar technique is used as at the G. U. Clinic, Ward 35, Bellevue Hospital, New York City. We understand that at the G. U. Clinic in Bellevue Hospital, they commence the treatment of cases with 1 c. c. and if physiological reaction is not obtained through the use of this dose, the next injection consists of 2 c. c. intramuscularly using a fine needle (1 inch, 24 gauge). In the majority of cases, the physiological reaction is reached by 2 c. c.; that means, the patient reports at the next Clinic Day, that a few hours after the administration of Gonolin, he felt a slight raise of temperature followed by a mild chill and also noticed a decided change in the discharge. In some cases, however, 3 to 4 c. c. of Gonolin is necessary to obtain the physiological reaction. After this so important reaction is obtained, the case very rapidly improves physically as well as serologically, as the charts of Ward 35, G. U. Clinic, Bellevue Hospital, prove the majority of patients clear up from 8 to 18 injections showing g. c. negative. Without obtaining the so important physiological reaction, the treatment will be unnecessarily prolonged to the dissatisfaction of the patient and the doctor, bringing unjust criticism upon Gonolin. * * * Some doctors, with vast experience in Gonolin therapy, prefer to start with massive doses (2 c. c.) to obtain an immediate physiological reaction, thereby materially shortening time of treatment."

On August 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18960. Adulteration and misbranding of almond oil. U. S. v. Eighteen 1-Gallon Cans of Almond Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27095. I. S. No. 38411. S. No. 5314.)

Samples of the product herein described having been found to consist wholly or in large part of oil or oils other than almond oil, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On or about October 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eighteen 1-gallon cans of almond oil at San Juan, P. R., alleging that the article had been shipped on or about July 11, 1931, by R. Fabien & Co. (Inc.), New York, N. Y., to San Juan, P. R., that it was being sold and offered for sale in Puerto Rico by the Sociedad Cooperativa Farmaceutica de Puerto Rico, San Juan, P. R., and that it was adulterated and misbranded in violation of the food and drugs act. The article was labeled in part: "Imitation * * * U. S. Standard * * * Imitation Pure Almond Oil Aceite De Almendras Comercial * * * Wm. McDonagh & Sons. * * * New York, U. S. A. Maxon Brand." The English word "Imitation" was rubber stamped on the label, but the main descriptive portion of the label, namely "Acetite De Almendra Comercial [Commercial Oil of Almonds]," appeared in Spanish.

Analysis of a sample of the article by this department showed that it consisted essentially of a fatty oil such as corn oil or a mixture of oils other than almond oil.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Aceite De Almendras," since it was not almond oil.

Misbranding was alleged for the reason that the statement, "Aceite De Almendras," borne on the label, was false and misleading; and for the further reason that the article was an imitation of another article, namely, almond oil.

On November 28, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18961. Misbranding of lithiated sorghum compound. U. S. v. 9% Dozen Bottles of Lithiated Sorghum Comp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27061. I. S. No. 38321. S. No. 5280.)

Examination of a drug product, known as lithiated sorghum compound, from the shipment herein described having shown that the carton label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9% dozen bottles of lithiated sorghum compound, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Sharp & Dohme (Inc.), from Philadelphia, Pa., on or about September 5, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of lithium benzoate (0.4 gram per 100 milliliters), lithium citrate (2.8 grams per 100 milliliters), extracts of plant drugs including hydrangea, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For the treatment of acute and chronic cystitis, nephritic colic, pyelitis, irritable bladder, uric acid diathesis, rheumatism, gout and dropsy;" (circular) "This product has been effectively employed in cases of difficult micturition and irritability of the bladder occasioned by hyperacidity of the urine. In that form of incontinence of urine due to atony of the

sphincter of the bladder and in the nocturnal incontinence of urine in children, excellent results have been reported by numerous clinicians from the use of Lithiated Sorghum Comp."

On December 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18962. Misbranding of Best's vaginal cones. U. S. v. 19 Boxes, et al., of Best's Vaginal Cones. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26268. I. S. Nos. 14627, 14628. S. No. 4565.)

Examination of a drug product, known as Best's vaginal cones, from the shipments herein described having shown that the carton label and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 27, 1931, the United States filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 boxes of Best's vaginal cones at Chicago, Ill., alleging that the article had been shipped by the Best Cone Co., from New York, N. Y., in part on August 29, 1930, and in part on February 28, 1931, and had been transported from the State of New York into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a base of theobroma oil in which were incorporated boric acid and quinine sulphate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and in the accompanying circular, were false and fraudulent; and in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers and create in the minds of such purchasers the impression and belief that it was composed of or contained ingredients or medicinal agents or combinations, effective as a remedy for the diseases, ailments, and afflictions mentioned upon the said carton and in the said circular: (Carton) "A Uterine Tonic For All Ailments Peculiar to Women * * * A Uterine Tonic * * * Are used as an aid in the treatment of Painful Menstruation (Cramps), Irregular Menses, Scanty and Profuse Menses, Flooding, Monthly Regulator, Periodical Headaches, Dizziness, Leucorrhoea and Odorous Discharges, Inflamed Ovaries, Bearing-Down Pains, Backache, Bloating, Falling of the Womb, Change of Life and its complications, Vaginitis, Vulvitis, Pruritus (Itching), Ulcerations, Piles, Inflamed Condition of the Uterus and Vaginal Tract, Extreme Nervousness, Nausea and Difficult Conditions in Pregnancy, Sterility, Liability to Miscarriage, and other weaknesses of the genital organs not specifically mentioned;" (circular) "A Uterine Tonic * * * Directions * * * To obtain the best results * * * neutralize bad odors and keep the tissues in a healthy condition. * * * For Painful Menstruation and Periodical Headaches; * * * each night on retiring until the difficulty is overcome. For Scanty or Profuse Menstruation: * * * Until the flow is natural and normal. For flooding: * * * every hour until the condition subsides, As a Monthly Regulator: * * * until normal periods are established. For Leucorrhoea ('Whites') and Odorous Discharges: * * * night on retiring until the discharge ceases. Waste matter or pus if present will be passed away in the first few days as healing takes place; * * * For Vaginitis, Vulvitis, and Pruritus (Itching): * * * Relief speedily follows. For Prolapsus (Falling of the Womb), Bearing-Down Pains, and Backache: * * * regularly each night until strength is restored. * * * For Inflamed Ovaries, Ulcerations, Inflammation, and Tumorous Conditions of the Uterus: * * * regularly and in sufficient quantities to establish healthy conditions. For Extreme Nervousness: * * * until relieved. For Change of Life: * * * night, according to the severity of the case. They aid in the relief of Hot Flashes, Palpitation, Dizziness, High Blood Pressure, Bloating, and accompanying Nerve Disorders of the Stomach. During Pregnancy: Use the * * * regularly each night for relieving morning

sickness, nausea, and all inflammatory conditions and discharges. The Cones aid in making labor less dangerous and painful, tend to prevent laceration and miscarriage, and bring about more rapid recovery. For Piles: * * * apply a melted Cone often until healed. The Cones are excellent for Sores, Ulcers * * * very Beneficial in Hay Fever * * * Excellent for Catarrhal Conditions."

On August 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18963. Adulteration and misbranding of ether. U. S. v. 41 Quarter-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25591. I. S. No. 27314. S. No. 3888.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On or about January 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 41 quarter-pound cans of ether at Lansing, Mich., alleging that the article had been shipped by the New York Quinine & Chemical Works, from Brooklyn, N. Y., on or about May 14, 1930, and had been transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in said pharmacopoeia.

Misbranding was alleged for the reason that the statements, "Ether for Anesthesia, U. S. P." and "Ether U. S. P.," appearing on the labels, were false and misleading.

On October 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18964. Adulteration and misbranding of ether. U. S. v. Forty 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26867. I. S. No. 36490. S. No. 5055.)

Examination of 10 cans of ether from the shipment herein described showed that peroxide, a decomposition product, was present in 2 of the said cans, excessive nonvolatile matter was found in 7 of the cans, and excessive acid was present in all.

On August 13, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of forty 1-pound cans of ether at Chicago, Ill., alleging that the article had been shipped by the J. T. Baker Chemical Co., from Phillipsburg, N. J., on or about July 8, 1931, and had been transported from the State of New Jersey into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under the name "Ether U. S. P.," a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon its label.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P.," was false and misleading.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18965. Adulteration and misbranding of ether. U. S. v. Twenty-eight 5-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26876. I. S. Nos. 31256, 31257. S. No. 5063.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On August 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-eight 5-pound cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mallinckrodt Chemical Works, St. Louis, Mo., on or about June 23, 1931, and had been transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under the name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P.," was false and misleading.

On September 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18966. Misbranding of Elkay's distemper medicine for dogs. U. S. v. 13½ Dozen Packages of Elkay's Distemper Medicine for Dogs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26029. I. S. No. 12871. S. No. 4232.)

Examination of a drug product, known as Elkay's distemper medicine for dogs, from the shipment herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On March 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13½ dozen packages of Elkay's distemper medicine for dogs, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the United Drug Co., from Boston, Mass., on or about November 18, 1930, and had been transported from the State of Massachusetts into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Examination of a sample of the article by this department showed that it consisted essentially of tablets containing in each: Acetanilid (0.44 grain), quinine (0.16 grain), potassium bromide (0.91 grain), and sodium carbonate (0.90 grain).

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Elkay's Distemper Medicine for dogs * * * For Treating Distemper, * * * Grippe * * * Influenza, etc. * * * An excellent preparation for breaking up * * * Grippe, etc., in their earliest stages. In this way Distemper may be averted if used promptly at the first signs of the disease;" (bottle) "Elkay's Distemper Medicine for Dogs * * * for Distemper * * * Grippe * * * Directions For Pups: One tablet. For Older Dogs: 2 to 6 tablets according to size of animal. Follow with a second dose in two hours, and continue until after fever subsides and the dog shows definite signs of improvement."

On November 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18967. Misbranding of Fumoil. U. S. v. 3½ Dozen Cans of Fumoil. Default decree of condemnation and destruction. (F. & D. No. 26475. I. S. No. 13153. S. No. 4775.)

Examination of a drug product, known as Fumoil, from the shipment herein described having shown that the can label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Arizona.

On or about June 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three and one-third dozen cans of Fumoil at Phoenix, Ariz., alleging that the article had been shipped by the Standard Chemical Manufacturing Co., from Omaha, Nebr., on or about November 24, 1930, and had been transported from the State of Nebraska into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a package of chlorinated lime and a vial of impure turpentine oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For Hogs Recommended for the Treatment of Flu * * * and Pneumonia * * * for Poultry Recommended for the treatment of Roup, * * * Nose and Throat troubles in Poultry."

On December 21, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18968. Misbranding of Denn's compound. U. S. v. 6 Dozen Bottles of Denn's Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26946. I. S. No. 35258. S. No. 5149.)

Examination of a drug product, known as Denn's compound, from the shipment herein described having shown that the labeling of the article contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Indiana.

On or about September 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 6 dozen bottles of Denn's compound, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by Denn's Rheumatic Cure Co., from Columbus, Ohio, on or about December 6, 1930, and had been transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including a laxative drug such as cascara sagrada, sodium benzoate (0.06 per cent), sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the bottle label and in a notice and circular accompanying the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Safe and Speedy Liver, Kidney and Rheumatic Remedy * * * Purifies the Blood Acts on The Kidneys;" (notice accompanying package) "Notice you may find some cartons look and read different. We are not any more permitted to tell the truth about our Remedy. Denn's Rheumatic Remedy Co.;" (circular accompanying package) "Rheumatism any Kind Helped. Also Stomach Liver and Kidney Troubles and Nervousness. A Call To Our Citizens Helps * * * And Kidney Trouble Makes Rich Pure Blood * * * Will say for the Remedy that it has done more for me to remove Rheumatism than anything I ever tried and is just as effective in bladder trouble as well. * * * My friends and neighbors are astonished and doctors dumbfounded at me being cured so quickly of Rheumatism, Stomach and Kidney Trouble, when my case resisted our best doctors. I was cured by using 2 bottles of Denn's Sure, Safe and Speedy cure, * * * Denn's Rheumatic Remedy is much talked of in many

homes in Ohio for helping many sufferers with Stomach, Liver, Kidney and old Rheumatism troubles and we join the number * * * I have been a sufferer with Rheumatism, Liver and Kidney Troubles for twelve years I treated with many doctors took all the Patent Medicines I knew or heard of. No relief whatever, until I heard of Denn's Rheumatic Cure, and took a few bottles, I am completely well now and I sell the Remedy to all the farmers and neighbors with positive results. * * * Charles Munter, a sufferer with Rheumatism in his feet, shooting pains all over his body, also with dyspepsia, so that he could not attend to his work, sleep, eat nor rest easy in any position. He was absolutely cured with a few bottles of Denn's S. S. S. Cure."

On November 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18969. Adulteration and misbranding of Hick's Epsom salts compound tablets. U. S. v. 6 Display Cards of Hick's Epsom Salts Compound Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26903. I. S. No. 30444. S. No. 5081.)

Examination of a drug product, known as Epsom salts compound tablets, having shown that the Epsom salt content of the tablets was negligible and that the therapeutic effect produced by the product was due to its aloe content, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On August 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six display cards, each containing 18 boxes of Hick's Epsom salts compound tablets, remaining in the original unbroken packages at North Bergen, N. J., alleging that the article had been shipped by Charles M. Hick & Co., Chicago, Ill., on or about June 11, 1931, and had been transported from the State of Illinois into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt (4 grains per tablet), and aloe.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, (display card) "Epsom Salts Tablets Compound Two tablets equal one tablespoonful Salts, and have all the efficiency of powdered salts, without any of the disagreeable taste," (retail package) "Epsom Salts Compound Tablets Two tablets equivalent to one tablespoonful of pure Epsom Salts," since the amount of Epsom salt in the article was negligible, and the therapeutic effects produced by the tablets was due to its content of aloe, and not to its content of Epsom salt.

Misbranding was alleged for the reason that the statements above quoted, appearing on the display carton and retail package, were false and misleading. Misbranding was alleged for the further reason that the article was offered for sale under the name of another article, namely, Epsom salts compound tablets.

On September 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18970. Misbranding of Doz-It. U. S. v. 300 Bags of Doz-It. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 25390. I. S. No. 8827. S. No. 3654.)

Examination of a drug product, known as Doz-It, from the shipment herein described showed that certain statements appearing in a circular contained in the bag represented that the article possessed curative and therapeutic properties which it did not possess. The article contained less protein and fat than labeled and only traces of Epsom salts and copperas, two of the declared ingredients.

On or about December 6, 1930, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 bags of Doz-It, remaining in the original unbroken packages at Ridgewood, N. Y., consigned by the Farmers Medicated Stock Salt Co., Mifflinburg, Pa., alleging that the article had been shipped

from Mifflinburg, Pa., on or about October 25, 1929, and had been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride (92.5 per cent), charcoal (5.2 per cent), ferrous sulphate (1.65 per cent), magnesium sulphate (0.74 per cent), protein (0.13 per cent), and fat (0.02 per cent).

It was alleged in the libel that the article was misbranded in that the statements, "This is composed of charcoal, (Car-Bo-Ligin), salt, Epsom salts (sulphate of magnesia) copperas, (sulphate of iron)," on the label of the bag was false and misleading in view of the insignificant portion of ingredients other than charcoal and salt; and for the further reason that the statements of protein 0.56 and fat 0.19 on the said bag were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the circular contained in the bag, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Purifies the blood and tones up the system. It expels worms from Hogs, Horses, etc. Prevents abortion, and there will be no bloating where it is fed. * * * Hog Cholera; Nothing will cure cholera, but where 'Doz-It' is used there will be no Cholera."

On January 26, 1931, Henry C. Kenyon, Ridgewood, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this department and that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18971. Misbranding of Takara hygienic powder. U. S. v. 15 Dozen Cans, et al., of Takara Hygienic Powder. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26911. I. S. No. 21910. S. No. 5075.)

Examination of a drug product, known as Takara hygienic powder, from the shipment herein described having shown that a booklet accompanying the article contained statements representing that the said article possessed curative and therapeutic properties which, in fact, it did not possess, also that it was represented to be a germicide, whereas it was not germicidal when used in the dilutions recommended, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On August 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 dozen 75-cent and 12 dozen \$1.50 cans of the said Takara hygienic powder, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Takara Laboratories, from Portland, Oreg., on or about July 6, 1931, and had been transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the powder consisted essentially of boric acid, ammonium alum, phenol, and a small proportion of menthol. Bacteriological examination showed that the article was not germicidal in the dilutions recommended upon the label.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the booklet accompanying the article, "A * * * germicidal douche * * * that is why Takara has proved so popular," were false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the booklet, regarding the curative or therapeutic effects of the said article, were false and fraudulent: "The intelligence of the modern woman is saving her untold hours of suffering. An understanding of personal hygiene has taken the place of false modesty. Peace of mind has supplanted uncertainty and Takara with its many uses, its Safeness, its certainty has done much to bring this about. Health, Happiness, Takara is daily bringing health and happiness to thousands of women * * * Women whose health has been impaired find refreshment in the use of Takara. They find it a hygienic powder that does more than

alleviate feminine disorders. It corrects them gently and safely. Daily Use of Takara * * * possible for the busiest woman to provide herself with this safe hygienic protection; a daily protection that means as much to her health as care of the teeth * * * To miss even one Takara treatment is to lose part of the gain made * * * Takara is a remedy so precautionary, safe and healing * * * Common Sore Throat, Gargle throat every two or three hours * * * Skin irritations * * * To allay itching and inflammation bathe affected parts."

On September 16, 1931, Raymond E. Taylor, owner of Takara Laboratories, Portland, Oreg., having appeared as claimant for the product and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that the pamphlet containing the objectionable statements be removed from the packages, and that the article should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, District, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18972. Adulteration and misbranding of Co-Liv-Ol. U. S. v. Silmo Chemical Co. (Inc.). Plea of guilty. Fine, \$25. (F. & D. No. 26667. I. S. No. 9770.)

Examination of a drug product, known as Co-Liv-Ol, from the shipment herein described showed that the article was represented to be an emulsion of cod-liver oil and to contain vitamin D, whereas it contained a negligible amount of cod-liver oil and was practically valueless as a source of vitamin D. The article was contained in cans, the labels of which bore statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess.

At the September, 1931 term of the United States District Court for the District of New Jersey, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Silmo Chemical Co. (Inc.), a corporation, Vineland, N. J., alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 14, 1931, from the State of New Jersey into the State of Maryland, of a quantity of the said Co-Liv-Ol, which was adulterated and misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of a fish oil, calcium and magnesium carbonates, small proportions of iron and aluminum compounds, and water. Biological examination showed that the article was virtually devoid of vitamin D, one of the therapeutically important constituents of cod-liver oil.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an emulsion of cod-liver oil and to contain vitamin D, whereas it was not emulsion of cod-liver oil and contained no vitamin D.

Misbranding was alleged for the reason that the statements, to wit, "Dried Emulsion of Cod Liver Oil, * * * It retains the valuable vitamin D, * * * reinforced and standardized with Irradiated Ergosterol, the concentrated Vitamine D, * * * Cod liver oil with the aid of an emulsifying agent has been dried as Co-Liv-Ol * * * and the tendency of the liquid to lose its vitamins quickly * * * has been controlled," borne on the label attached to the cans, were false and misleading in that the said statements represented that the article was emulsion of cod-liver oil and contained vitamin D, whereas it was not emulsion of cod-liver oil and contained no vitamin D. Misbranding was alleged for the further reason that certain statements regarding the therapeutic and curative effects of the article, appearing on the labels of the cans containing the said article, falsely and fraudulently represented that the article was composed of or contained ingredients or medicinal agents effective, among other things, as a preventive of leg weakness and effective to build better bone; whereas it was not effective as a preventive of leg weakness, or effective to build better bone.

On October 16, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18973. Misbranding of Harding's 444. U. S. v. 22 Bottles of Harding's 444. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27017. I. S. No. 36839. S. No. 5224.)

Examination of the drug product Harding's 444 from the shipment herein described showed that bottle and carton labels contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess; also that it contained less alcohol than declared on the label. The label further represented that the article would not derange the stomach nor cause bumps to appear on the face, whereas it contained drugs which might produce such results.

On or about October 5, 1931, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 bottles of the said Harding's 444, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Harding Drug Co., Jackson, Miss., on or about August 6, 1931, and had been transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide (5.5 grams per 100 milliliters), mercuric chloride (0.07 gram per 100 milliliters), extract of a laxative plant drug such as cascara sagrada, alcohol (4.6 per cent by volume), glycerin, and water.

It was alleged in the libel that the article was misbranded in that the statements appearing in the labeling, "15% Alcohol" and "Does not derange the stomach, nor cause bumps to appear on the face," were false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration made was incorrect. Misbranding was alleged for the further reason that the following statements appearing on the carton and bottle labels, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Harding's 444 For the Blood and Rheumatism This * * * will relieve chronic cases of diseased blood in all stages. * * * passes the impurities off—via Nature's way. Relieves Old Sores and Aching Joints 444 Relieves Rheumatism in all forms of this dreadful disease;" (carton) "Harding's 444 For the Blood and Rheumatism * * * This Preparation is intended to relieve Muscular Rheumatism, Stiff Joints * * * General Sluggish Condition of the System, caused from Thick, Impure Blood. Relieves Old Sores and Aching Joints 444 Relieves Enlarged Glands by absorption, passing the impurities off via Nature's way."

On November 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18974. Adulteration and misbranding of Vilane powder. U. S. v. 36 Packages of Vilane Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26810. I. S. No. 29231. S. No. 4929.)

Examination of samples of a drug product, known as Vilane powder, showed that the carton and package labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess. Examination further showed that the article was represented to be a disinfectant, whereas it was not a disinfectant when used according to the directions contained in the circular.

On July 28, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 packages of the said Vilane powder at New York, N. Y., consigned by the Blackburn Products Co., Dayton, Ohio, alleging that the article had been shipped from Dayton, Ohio, in part on or about May 22, 1931, and in part on or about June 5, 1931, and had been transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the powder consisted essentially of borax, sodium chloride, sodium bicarbonate, and small

proportions of thymol, menthol, methyl salicylate, and eucalyptol. Bacteriological examination showed that the article, when diluted with 20 parts of water, was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, "As a Disinfectant," since it was not a disinfectant when used in accordance with the following directions contained in the circular accompanying the article: "Solution—Unless otherwise specified in the directions, use one level teaspoonful of Vilane Powder to one pint of water. However, any strength from a pinch in a pint of water to a saturated solution may be used as the occasion demands. Douche—One heaping teaspoonful of Vilane Powder to two quarts of very warm water. May be used stronger or weaker according to need. * * * Gargle—Use solution of one-half teaspoonful of Vilane Powder to a glass of water. * * * Vapor—One level teaspoonful of Vilane Powder in a half pint of boiling water. Breathe the fumes as Vilane vaporizes. * * * Internally—An eighth of a level teaspoonful of Vilane Powder in a cup of hot water shortly before meals. If preferred, fill a number of two-grain capsules with Powder, take one capsule before meals and on retiring * * * Enema—One level teaspoonful of Vilane Powder to each pint of warm water."

Misbranding was alleged for the reason that the statement on the label, "As a Disinfectant," was false and misleading when used in connection with the directions for use appearing in the circular, as above quoted. Misbranding was alleged for the further reason that the following statements on the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (package label) "For Muco-Purulent Discharges. * * * Useful as a wash or douche in nasal catarrh, hemorrhages, etc. Valuable as a gargle in sore throat and tonsillitis. Read circular for using Vilane in eighty unhealthy conditions;" (carton) "Useful as a Wash or Douche in Nasal Catarrh, Hemorrhages, Etc. Valuable as a Gargle in Sore Throat and Tonsillitis. Read Circular for Using Vilane in Eighty Unhealthy Conditions. * * * Use Vilane for Catarrh * * * Use Vilane as Cleansing Sanitary Douche for Muco-Purulent Discharges;" (circular) "By reading this circular you may * * * prevent much distress in the course of a year * * * as an aid in congestion and inflammation * * * Milk Solution. * * * Use in bathing cases of eczema, where water is harmful * * * Directions for the Relief of Abscess * * * Acne—Face Pimples * * * Asthma * * * A pinch of Vilane in a cup of hot water before meals and on retiring aids in relieving the pressure of gas against lungs. * * * Boils * * * Breasts—Sore—To assist in reducing inflammation, bathe breast often with solution of one level teaspoonful of Vilane Powder in a cup of warm water. Apply compresses wet in a warm (not hot) solution of same strength and renew hourly or oftener if necessary * * * Carbuncles * * * Catarrh—nasal * * * Be persistent in the use of Vilane, as catarrh, if neglected, leads to serious trouble. * * * Chilblains * * * Colic * * * coughs—Take Vilane Cough Syrup as often as necessary. As nearly all coughs are due to catarrhal conditions use Vilane Solution (one level teaspoonful Vilane to a pint of water) as a gargle and nasal spray. Croup—Call physician immediately. While waiting, put a level teaspoonful of Vilane in a half-pint of boiling water and inhale the steam; use Vilane Cough Syrup; wring flannel cloths out of a solution of two level teaspoonfuls of Vilane to a pint of hot water and apply to chest, changing frequently. Cover compress with dry Turkish towel. Cystitis—Douches of one heaping teaspoonful Vilane to two quarts of very warm water three times a day. Take douches slowly and in a reclining position. Warm sitz-bath and Vilane Suppository on retiring. An eighth of a teaspoonful of Vilane in a cup of hot water taken internally three or four times a day helps to reduce inflammation. Dandruff—To overcome, rub scalp thoroughly for several minutes—wash hair with good soap—apply to the scalp a solution of one-half a level teaspoonful of Vilane to a pint of warm water and massage well. * * * Diarrhea—As an internal relief an eighth of a level teaspoonful of Vilane in a cup of hot water taken internally three times a day; or Vilane Capsules three times daily; wring cloths out of a solution of one heaping teaspoonful of Vilane to a pint of hot water and apply to abdomen. Warm

Vilane Enema night and morning. * * * Dyspepsia—Acid * * * Ears—(Itching Dry Catarrh)— * * * Earache * * * Eyes—Sore—Granulated Lids * * * Feet—Sore, Aching * * * Felon * * * Gums—Sore, Bleeding, Receding and Tender * * * Headaches—Sick * * * One-fourth of a level teaspoonful of Vilane in a cup of hot water, taken internally will sometimes induce vomiting which clears the stomach of any undigested food and settles nausea. * * * Hemorrhoids or Piles * * * As Vilane brings inflammation to the surface before healing, results may seem slow at first. Follow above directions persistently until complete relief is obtained * * * Hoarseness * * * As this condition is often traced to catarrh of the head, it is most necessary to use a solution of above strength as a nasal spray morning and night. Indigestion—Acid— * * * Inflammation * * * Read 'Ways of Applying' and decide which form is most practical to use to reach the seat of inflammation * * * Leucorrhea—Although not a disease, is a condition which goes with so many disorders of the female organs and causes such discomfort that it is regarded by women as a deciding factor between health and illness. No matter what the cause may be, the effect is much the same—a discharge which inflames and irritates the parts over which it passes. This condition, if neglected, is the cause of grave results, such as tumors, ulcers, etc. Vilane loosens and removes the discharges, heals the inflammation and leaves the parts clean and normal. Read directions for 'Douche.' In extreme cases, douches should be taken twice daily, morning and night. Insert Vilane Suppository each night on retiring. These directions should be followed persistently until discharge has entirely stopped. Misplacements—Use Vilane Douche night and morning * * * Ovarian Irritation—Take Vilane Douches regularly night and morning; read directions for 'Leucorrhea' and 'Douche,' insert Vilane Suppository on retiring. Follow above directions persistently and an unnecessary operation may perhaps be avoided. Painful Periods * * * Ptomaine Poisoning—Vilane may be used as a 'First Aid' while waiting for a physician to arrive. One-third of a level teaspoonful of Vilane in a pint of hot water taken internally. This may nauseate and induce vomiting, which cleanses the stomach quickly. Continue taking Vilane and hot water until nausea has stopped, when a dose of castor oil should be taken. Rash—To allay itching and irritation * * * Ringworm * * * Sores * * * Sore Throat—Common * * * wet a compress in a strong solution of one level teaspoonful of Vilane to one-half pint of hot or cold water and bind around throat, renewing hourly till relieved. * * * Teeth—For * * * sterilizing the teeth, * * * Teething—Dip a bit of absorbent cotton in a solution of one-third of a level teaspoonful Vilane in a cup of warm water and bathe the gums three or four times a day. This * * * reduces inflammation. Tonsillitis—Call a physician at once. As first aid, gargle or spray throat with hot or cold Vilane Solution (one rounding teaspoonful Vilane to one pint of water) every hour; wet a compress in hot or cold solution of same strength and bind around throat, changing every hour. Use Vilane as soon as throat becomes sore, as neglected sore throats are dangerous. Toothache—Put a half a level teaspoonful of Vilane in half a cupful of hot water—hold a little of this solution in the mouth for five or ten minutes at a time, use stronger if desired; dip a bit of absorbent cotton in the solution—then in the clear Vilane Powder and place between gum of aching tooth and cheek * * * See a dentist. Whooping Cough—Call a physician; as a first aid while waiting, put a rounding teaspoonful of Vilane in a pint basin of steaming hot water and inhale the vapor; * * * Recipe to make Inexpensive Cleansing Tooth Powder: * * * Apply to the teeth daily with tooth brush and it will * * * disinfect and prevent decay, while it serves to tone up the gums, correct bad breath and aids in removing germ life present from decayed food, etc. * * * To Make a Good Foot Ease Remedy: * * * Mix and sprinkle into the shoes whenever required to relieve * * * aching, swollen * * * feet."

On September 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18975. Adulteration and misbranding of imitation almond oil. U. S. v. Forty-one 1-Gallon Cans of Almond Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26862. I. S. No. 5795. S. No. 5004.)

Samples of the product herein described having been found to consist in whole or in part of peanut oil, flavored to resemble almond oil, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On August 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of forty-one 1-gallon cans of almond oil at San Juan, P. R., alleging that the article had been shipped on or about July 11, 1931, by Iglesias (Yglesias) & Co. (Inc.), New York, N. Y., to San Juan, P. R., that it was being offered for sale and sold in Puerto Rico by the Drug Co. of Puerto Rico (Inc.), San Juan, P. R., and that it was adulterated and misbranded in violation of the food and drugs act. The article was labeled in part: "Imitation * * * U. S. Standard * * * Pure Imitation Almond Oil Aceite De Almendras Comercial * * * Wm. McDonagh & Sons * * * New York, U. S. A. Maxon Brand." The English word "Imitation" was rubber stamped on the label, but the main descriptive portion of the label, namely, "Aceite De Almendras Comercial [Commercial Oil of Almonds]," appeared in Spanish.

Analysis of a sample of the article by this department showed that it consisted essentially of a fatty oil such as corn oil or a mixture of oils other than almond oil.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Aceite De Almendras," since it was not almond oil.

Misbranding was alleged for the reason that the statement, "Aceite De Almendras," borne on the label, was false and misleading; and for the further reason that the article was an imitation of another article, viz, almond oil.

On September 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18976-19000

[Approved by the Secretary of Agriculture, Washington, D. C., June 8, 1932]

18976. Adulteration of fig paste. U. S. v. 140 Cases of Fig Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27039. I. S. No. 22319. S. No. 5264.)

Samples of fig paste from the shipment herein described having been found to contain beetle and larvæ heads and other fragments of insects, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 140 cases of fig paste, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Koligian Bros., from Fresno, Calif., on or about August 3, 1931, and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fig Paste Packed by Koligian Bros."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On October 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18977. Adulteration of canned salmon. U. S. v. 1,022 Cases of Canned Salmon. Decree of condemnation entered. Product released under bond. (F. & D. No. 27189. I. S. No. 12790. S. No. 5361.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and subsequently an amended libel, praying seizure and condemnation of 1,022 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., consigned by the Ketchikan Packing Co., from Ketchikan, Alaska, on or about August 25, 1931. It was alleged in the libel as amended that the article had been shipped from Ketchikan, Alaska, into the State of Washington, and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libel as amended for the reason that it consisted in whole or in part of a decomposed animal substance.

On November 19, 1931, the Ketchikan Packing Co., an Alaska corporation, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered. The said claimant having paid costs and executed a bond in the sum of \$3,000, conditioned that the product should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession, the court ordered the product released to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18978. Adulteration of canned frozen mixed eggs. U. S. v. E. B. Wright & Son (Inc.). Plea of guilty. Fine, \$25. (F. & D. No. 26676. I. S. No. 28747.)

Samples of canned frozen eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On October 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against E. B. Wright & Son (Inc.), a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the food and drugs act, on or about April 4, 1931, from the State of Ohio into the State of Virginia, of a quantity of frozen mixed eggs, which were adulterated. The article was labeled in part: "Notashell Farm Brand * * * Frozen Eggs Mixed E. B. Wright & Son, Inc. * * * Cincinnati, O."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On November 23, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18979. Adulteration of frozen strawberries. U. S. v. 18 Barrels of Cold Packed Strawberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26510. I. S. No. 35484. S. No. 4825.)

Samples of frozen strawberries from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On June 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 barrels of frozen strawberries, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Rahal Packing Co., Plant City, Fla., on or about March 30, 1931, and had been transported from the State of Florida into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "The Rahal Packington Co., Rahals Fancy Cold Packed Strawberries * * * Cleveland, Ohio."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On November 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18980. Adulteration of canned salmon. U. S. v. Douglas Island Packing Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 26540. I. S. Nos. 1088, 11202.)

Samples of canned salmon from the shipments herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On July 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Douglas Island Packing Co., an Alaska corporation, trading at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, from Douglas, Alaska into the State of Washington, in part on or about August 5, 1930, and in part on or about September 15, 1930, of quantities of salmon that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On November 4, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18981. Adulteration of canned salmon. U. S. v. New England Fish Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 26582. I. S. No. 2242.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the New England Fish Co., a Maine corporation, trading at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about September 22, 1930, from Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On October 26, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18982. Adulteration of canned tomato puree. U. S. v. 1,123 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26840. I. S. No. 11893. S. No. 5031.)

Samples of canned tomato puree from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On August 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,123 cases of tomato puree, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Rocky Mountain Packing Corporation, from Ogden, Utah, in part on or about December 14, 1929, and in part on or about December 17, 1929, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Tomato Puree Distributed by Rocky Mountain Packing Corp."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On November 4, 1931, the default of the claimant, the Coast Fishing Co., Wilmington, Calif., was entered. Judgment of condemnation and forfeiture was entered on the same date, and the court ordered that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18983. Misbranding of cottonseed cake and screenings. U. S. v. The Warren Cotton Oil & Manufacturing Co. Plea of guilty. Fine, \$10. (F. & D. No. 26632. I. S. No. 18315.)

Sample sacks of cottonseed cake and screenings from the shipment herein described having been found to contain less than 100 pounds net, the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Arkansas.

On September 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Warren Cotton Oil & Manufacturing Co., a corporation, Warren, Ark., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 2, 1930, from the State of Arkansas into the State of Kansas, of a quality of cottonseed cake and screenings that were misbranded. The article was labeled in part: "Interstate Brand 43% Protein Cotton Seed Cake & Meal * * * 100 Pounds Net * * * Made for Interstate Feed Company Fort Worth, Texas."

It was alleged in the information that the article was misbranded in that the statement, to wit, "100 Pounds Net," borne on the tag attached to the sack containing the said article, was false and misleading in that the said statement represented that each of the sacks contained 100 pounds net of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds net of the said article; whereas each of the sacks did not contain 100 pounds of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 19, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18984. Adulteration and misbranding of pulverized oats. U. S. v. Hoyland Flour Mills Co. Plea of guilty. Fine, \$20. (F. & D. No. 26630. I. S. No. 27740.)

Samples of pulverized oats from the shipment herein described having been found to contain calcium carbonate, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On September 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Hoyland Flour Mills Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about February 20, 1931, from the State of Missouri into the State of Florida, of a quantity of pulverized oats that were adulterated and misbranded. The article was labeled in part: "Pulverized Oats Manufactured by Hoyland Flour Mills Co., Kansas City, Missouri."

It was alleged in the information that the article was adulterated in that a substance, calcium carbonate, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pulverized oats, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Pulverized Oats," borne on the tag attached to the sacks containing the article, was false and misleading in that the said statement represented that the article consisted wholly of pulverized oats, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pulverized oats; whereas it did not so consist, but did consist in part of calcium carbonate. Misbranding was alleged for the further reason that the article was composed in part of calcium carbonate and was offered for sale and sold under the distinctive name of another article, to wit, pulverized oats.

On November 2, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18985. Adulteration and misbranding of cottonseed meal. U. S. v. Missouri Cotton Oil Co. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 26633. I. S. Nos. 18176, 18177.)

Examination of samples of a product, represented to be 41 per cent protein cottonseed meal, from the shipments herein described having shown that the article contained less protein and more fiber than declared on the label, and that a portion of the said article was not cottonseed meal but was cottonseed feed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Illinois.

On October 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Missouri Cotton Oil Co., a corporation, Cairo, Ill., alleging shipment by said company, in violation of the food and drugs act, from the State of Illinois into the State of Indiana, in part on or about September 20, 1930, and in part on or about October 22, 1930, of quantities of cottonseed meal that was misbranded, and a portion of which was also adulterated. The article was labeled in part: "41% Protein Cottonseed Meal Prime Quality Manufactured by Missouri Cotton Oil Company, Cairo, Ill. Guaranteed Analysis Crude Protein, not less than 41.0% * * * Crude Fiber, not More than 10.0%."

Adulteration was alleged in the information with respect to a portion of the article for the reason that a cottonseed feed which contained less than 36 per cent of protein had been substituted for prime quality 41 per cent protein cottonseed meal, which the said article purported to be.

Misbranding was alleged with respect to both lots of the article for the reason that the statements, "41% Protein Cottonseed Meal Prime Quality," and "Guaranteed Analysis Crude Protein, not less than 41.0% * * * Crude Fiber not More than 10.0%," borne on the tags attached to the sacks containing the said article, were false and misleading in that the said statements represented that the article was prime quality 41 per cent protein cottonseed meal and contained not less than 41 per cent of protein and not more than 10 per cent of crude fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was prime quality 41 per cent protein cottonseed meal and contained not less than 41 per cent of protein and not more than 10 per cent of crude fiber; whereas it was not 41

per cent protein cottonseed meal, as represented, in that a portion of the article was cottonseed feed which contained not more than 26.34 per cent of crude protein and not less than 20.52 per cent of crude fiber, and the remainder of the said article contained not more than 38.48 per cent of crude protein, and not less than 12.07 per cent of crude fiber.

On October 28, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18986. Misbranding of clam nectar. U. S. v. Bugge Canning Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 26595. I. S. Nos. 642, 11675, 11699, 11700.)

Sample cans of clam nectar from the shipment herein described having been found to contain less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Bugge Canning Co., Sequim, Wash., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 18, 1930, from the State of Washington into the State of California, of a quantity of clam nectar that was misbranded. The article was labeled in part: "Tureen Brand Clam Nectar Contents 3 Qts. 4 Fl. Oz. Packed by Bugge Canning Co., Sequim, Washington."

It was alleged in the information that the article was misbranded in that the statement, to wit, "3 Qts. 4 Fl. Oz.," borne on the can label, was false and misleading in that the said statement represented that each of the cans contained 3 quarts and 4 fluid ounces of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 3 quarts and 4 fluid ounces of the article; whereas each of the cans did not contain the amount declared, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 2, 1931, a plea of guilty to the information having been entered on behalf of the defendant company, the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18987. Misbranding of canned salmon. U. S. v. 35 Cases of Canned Salmon. Decree of condemnation entered. Product released under bond. (F. & D. No. 26472. I. S. No. 25491. S. No. 4752.)

Samples of canned salmon, represented to be sockeye salmon, having been found to contain coho salmon, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On June 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35 cases of canned salmon at Springfield, Mo., alleging that the article had been shipped by McGovern & McGovern, Seattle, Wash., on or about September 20, 1929, and had been transported from the State of Washington into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "Red Sockeye Salmon;" (can) "G. D. M. Brand Red Sockeye Salmon Distributed by G. D. Milligan Grocer Co., Springfield, Mo."

It was alleged in the libel that the article was misbranded in that the statement on the cases and cans, "Red Sockeye Salmon," was false and misleading and deceived and misled the purchaser when applied to a product containing coho salmon. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 1, 1931, McGovern & McGovern, Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered. The claimant having paid the costs and executed a bond in the sum of \$500, conditioned that the product should not be sold or otherwise disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, district, or insular possession, the court ordered that the said product be released to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18988. Adulteration of evaporated apples. U. S. v. Napa Fruit Co. Plea of guilty. Fine, \$100. (F. & D. No. 26555. I. S. No. 11650.)

Samples of evaporated apples from the shipment herein described having been found to be insect infested, moldy, or decayed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On September 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Napa Fruit Co., a corporation, Napa, Calif., alleging shipment by said company, in violation of the food and drugs act, on or about November 28, 1930, from the State of California into the State of Louisiana, of a quantity of evaporated apples that were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 24, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18989. Adulteration of herring. U. S. v. 4 Boxes of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27156. I. S. No. 40597. S. No. 5120.)

Samples of herring from the shipment herein described having been found to contain worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four boxes of herring at Chicago, Ill., alleging that the article had been shipped by M. Mickelsen, from Little Marais, Minn., on or about August 7, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed, filthy, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18990. Adulteration of canned salmon. U. S. v. 1,500 Cases, et al. of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27034, 27053, 27054. I. S. Nos. 22365, 22366, 22367, 22368, 22369. S. Nos. 5249, 5274, 5287.)

Samples of canned salmon from the shipments herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 5, October 7, and October 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 7,860 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., consigned by the Independent Salmon Canneries (Inc.), alleging that the article had been shipped from Ketchikan, Alaska, in various consignments, on or about August 4, August 10, and August 18, 1931, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 26, and December 21, 1931, the Independent Salmon Canneries (Inc.), Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$3,000, conditioned in part that it be made to comply with the law under the supervision of this department, and further conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession of the United States.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18991. Adulteration of herring. U. S. v. 2 Boxes of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26848. I. S. No. 9879. S. No. 5034.)

Samples of herring from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two boxes of herring at Chicago, Ill., alleging that the article had been shipped by R. R. Midbrod, from Beaver Bay, Minn., on or about July 31, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18992. Adulteration of herring. U. S. v. 3 Boxes of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27153. I. S. No. 40008. S. No. 5296.)

Samples of herring from the shipment herein described having been found to contain worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three boxes of herring at Chicago, Ill., alleging that the article had been shipped by John M. Jacobson, from Beaver Bay, Minn., on or about August 14, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed, filthy, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18993. Adulteration of herring. U. S. v. 4 Boxes of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26842. I. S. No. 9882. S. No. 5033.)

Samples of herring from the shipment herein described having been found to contain worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four boxes of herring at Chicago, Ill., alleging that the article had been shipped by M. Michaelsen, from Duluth, Minn., on or about July 31, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18994. Misbranding of cottonseed meal. U. S. v. Central Cotton Oil Co. Plea of guilty. Fine, \$25. (F. & D. No. 26546. I. S. No. 18356.)

Samples of cottonseed meal from the shipment herein described having been found to contain less protein and more fiber than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Georgia.

On August 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Central Cotton Oil Co., a corporation, Macon, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about September 9, 1930, from the State of Georgia into the State of Kentucky, of a quantity of cottonseed meal that was misbranded. The article was labeled in part: "'Pinta" Columbus Brand 41% Cottonseed Meal Made for Dan Joseph Co., Columbus, Ga. Guaranteed Analysis, Per Cent, Protein 41.00. * * * Fiber 10.00."

It was alleged in the information that the article was misbranded in that the statements, "41% Cottonseed Meal * * * Guaranteed Analysis, Per Cent, Protein 41.00, Fiber 10.00," borne on the tags attached to the sacks containing the said article, were false and misleading in that the said statements represented that the article contained 41 per cent of protein and 10 per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 41 per cent of protein and 10 per cent of fiber; whereas it contained less than 41 per cent of protein and more than 10 per cent of fiber.

On September 17, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18995. Adulteration of canned salmon. U. S. v. 704 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27018. I. S. No. 22364. S. No. 5241.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 704 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Continental Can Co., from Ketchikan, Alaska, on or about August 4, 1931, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 7, 1931, the Continental Can Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of costs and the execution of a bond in the sum of \$750, conditioned in part that it be sorted under the supervision of this department in order to separate the good portion from the decomposed portion, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession. The decree further ordered that upon compliance with the conditions of the bond, the unadulterated portion be released and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18996. Adulteration of canned salmon. U. S. v. 3,024 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26927. I. S. No. 22330. S. No. 5143.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On August 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3,024 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Superior Packing Co., Tenakee, Alaska, on or about July 28, 1931, and had been transported from Alaska into the State of Washington, and charging

adulteration in violation of the food and drugs act. The article was labeled in part: "Alaska Brand Salmon Eat More Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 23, 1931, the Superior Packing Co., Tenakee, Alaska, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be sorted under the supervision of this department in order to separate the good portion from the decomposed portion, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18997. Misbranding of cane sirup. U. S. v. 47 Cases of Sirup. Product ordered released under bond to be relabeled or destroyed. (F. & D. No. 27051. I. S. No. 36958. S. No. 5268.)

Sample cans of cane sirup from the shipment herein described having been found to contain less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On October 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 47 cases of cane sirup, remaining in the original packages at Houston, Tex., alleging that the article had been shipped by the New Orleans Coffee Co., from New Orleans, La., on or about December 31, 1930, and had been transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the labels of the cans containing the article bore the statements, to wit, "New South Brand Pure Sugar Cane Syrup Packed by New Orleans Coffee Co. Ltd., New Orleans, La. Contains Sulphur Dioxide Net Volume 3 Qts. 8 Fl. Ozs. Net Weight 9 Pounds 3 Ozs.," which statements were false and misleading and deceived and misled the purchaser, since the weight and quantity of the article contained in the said cans were less than the weight and quantity declared on the label. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the volume and weight of the contents were less than represented.

On October 19, 1931, the New Orleans Coffee Co. (Ltd.), New Orleans, La., having appeared as claimant for the property, and the court having found that the essential allegations of the libel were true, a decree was entered ordering that the goods be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the laws of the United States or of any State, Territory, district, or insular possession. Subsequently an amendment to the decree was filed ordering that the cans of sirup which were short weight be segregated and relabeled or destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18998. Adulteration of herring. U. S. v. 4 Boxes, et al., of herring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26830, 27150, 27154, 27157. I. S. Nos. 37208, 40009, 40595, 40598. S. Nos. 5014, 5118, 5119, 5295.)

Samples of herring from the shipments herein described having been found to contain worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 12, 13, and 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 14 boxes of herring at Chicago, Ill., alleging that the article had been shipped by T. R. Midbrod, from Beaver Bay, Minn., on or about July 28, 1931, August 7, 1931, and August 14, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulter-

ation was alleged for the further reason that the article consisted of portions of an animal unfit for food.

On October 12, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18999. Adulteration of herring. U. S. v. 1 Box of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27155. I. S. No. 40010. S. No. 5294.)

Samples of herring from the shipment herein described having been found to contain worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one box of herring at Chicago, Ill., alleging that the article had been shipped by Arnold G. Jacobson, from Beaver Bay, Minn., on or about August 14, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed, filthy, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19000. Adulteration and misbranding of canned grapefruit juice. U. S. v. 100 Cases, et al., of Canned Grapefruit Juice. Consent decree of condemnation. Product released under bond. (F. & D. No. 26500. I. S. Nos. 11148, 22229. S. No. 4789.)

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the article contained added sugar and that the declaration of the quantity of contents appearing on the can labels of a portion of the product was made in terms of weight instead of liquid measure, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On June 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 148 cases of canned grapefruit juice, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Florida Fruit Cannery (Inc.), from Frostproof, Fla., on or about April 17, 1931, and had been transported from the State of Florida into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Red and White Brand Grapefruit Juice." One lot of the article, consisting of 100 cases, was further labeled: (Can) "Net Weight 10½ Oz."

It was alleged in the libel that the article was adulterated in that an undeclared added substance, sugar, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the labels, "Grapefruit Juice," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the said 100-case lot for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity was not stated in proper form.

On October 23, 1931, Wadhams & Co. (Inc.), Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, or insular possession.

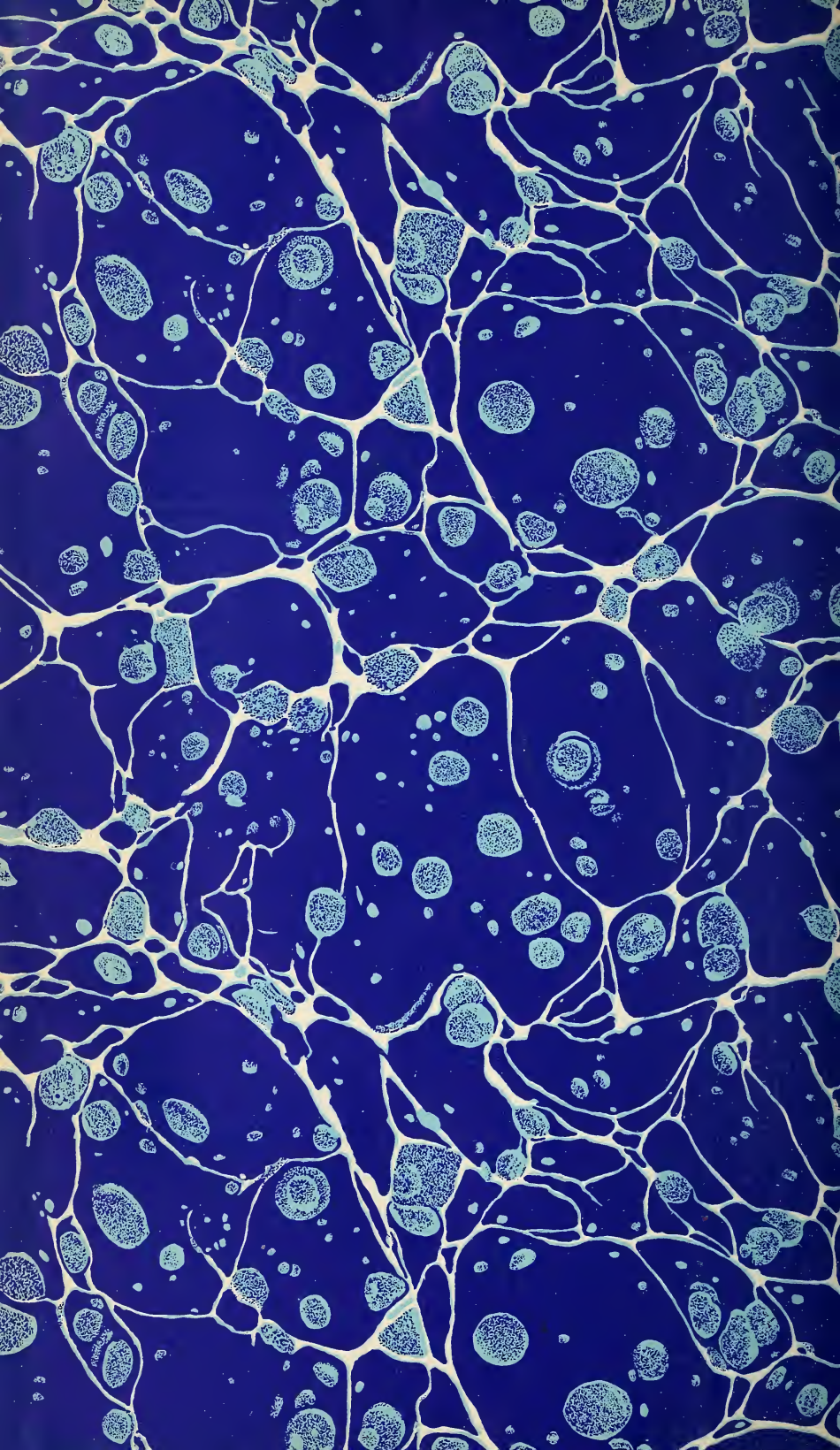
ARTHUR M. HYDE, *Secretary of Agriculture.*

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